

**BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA**

**UNDER** the Resource Management Act 1991

**IN THE MATTER** of appeals under Clause 14 of the First Schedule of the Act

**BETWEEN**

**TRANSPOWER NEW ZEALAND LIMITED**  
(ENV-2018-CHC-26)

**FONTERRA CO-OPERATIVE GROUP**  
(ENV-2018-CHC-27)

**HORTICULTURE NEW ZEALAND**  
(ENV-2018-CHC-28)

**ARATIATIA LIVESTOCK LIMITED**  
(ENV-2018-CHC-29)

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**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL  
PROVIDING FINAL VERSION OF RELIEF SOUGHT FOR TRANCHE 1  
22 February 2022**

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Judicial Officer: Judge Borthwick

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**WILKINS FARMING CO**  
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**GORE DISTRICT COUNCIL, SOUTHLAND DISTRICT  
COUNCIL & INVERCARGILL CITY COUNCIL**  
(ENV-2018-CHC-31)

**DAIRYNZ LIMITED**  
(ENV-2018-CHC-32)

**H W RICHARDSON GROUP**  
(ENV-2018-CHC-33)

**BEEF + LAMB NEW ZEALAND**  
(ENV-2018-CHC-34 & 35)

**DIRECTOR-GENERAL OF CONSERVATION**  
(ENV-2018-CHC-36)

**SOUTHLAND FISH AND GAME COUNCIL**  
(ENV-2018-CHC-37)

**MERIDIAN ENERGY LIMITED**  
(ENV-2018-CHC-38)

**ALLIANCE GROUP LIMITED**  
(ENV-2018-CHC-39)

**FEDERATED FARMERS OF NEW ZEALAND**  
(ENV-2018-CHC-40)

**HERITAGE NEW ZEALAND POUHERE TAONGA**  
(ENV-2018-CHC-41)

**STONEY CREEK STATION LIMITED**  
(ENV-2018-CHC-42)

**THE TERRACES LIMITED**  
(ENV-2018-CHC-43)

**CAMPBELL'S BLOCK LIMITED**  
(ENV-2018-CHC-44)

**ROBERT GRANT**  
(ENV-2018-CHC-45)

**SOUTHWOOD EXPORT LIMITED, KODANSHA  
TREEFARM NEW ZEALAND LIMITED, SOUTHLAND  
PLANTATION FOREST COMPANY OF NEW ZEALAND**  
(ENV-2018-CHC-46)

**TE RUNANGA O NGAI TAHU, HOKONUI RUNAKA,  
WAIHOPAI RUNAKA, TE RUNANGA O AWARUA & TE  
RUNANGA O ORAKA APARIMA**  
(ENV-2018-CHC-47)

**PETER CHARTRES**  
(ENV-2018-CHC-48)

**RAYONIER NEW ZEALAND LIMITED**  
(ENV-2018-CHC-49)

**ROYAL FOREST AND BIRD PROTECTION SOCIETY  
OF NEW ZEALAND**  
(ENV-2018-CHC-50)

**Appellants**

**AND**

**SOUTHLAND REGIONAL COUNCIL**

**Respondent**

**MAY IT PLEASE THE COURT**

- 1 This Memorandum of Counsel is filed on behalf of the Southland Regional Council (**Council**) in respect of the appeals against the Council's decision on the proposed Southland Water and Land Plan (**pSWLP**).
- 2 The Court directed, at paragraph [42](f)(ii) of the Record of Pre-Hearing Conference dated 15 February 2022, that all parties are to file and serve memoranda setting out the final version of relief sought by Tuesday 22 February 2022.
- 3 The final version of relief sought by the Council is set out in **Appendix A** to this Memorandum.

**Correction to Appendix A to 3 February 2022 Memorandum**

- 4 Counsel notes that two changes (detailed below) shown in Appendix A to its 3 February 2022 Memorandum were included in error. These changes have been agreed between the parties, however they were not detailed in the applications for consent orders as they will be/have been made by way of clause 16(2) of Schedule 1 of the RMA. The Council and parties agree that these changes correct minor errors and/or are amendments of minor effect.
- 5 The two changes are:
  - (a) The insertion of "otherwise" in Rule 54(g); and
  - (b) The deletion of "an authority is obtained, and" and the addition of "or is suspected" in Appendix S.
- 6 For completeness, these changes have been included in Appendix A to this Memorandum and shown in purple.

**DATED** this 22<sup>nd</sup> day of February 2022



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**P A C Maw / A M Langford**  
Counsel for the Southland Regional Council

## **Appendix A – Final version of relief sought by Southland Regional Council**

### **Objective 16**

Public access to, and along, river ~~(excluding ephemeral rivers)~~ and lake beds is maintained and enhanced, except in circumstances where public health and safety or significant indigenous biodiversity values are at risk.

## Sub-Topic B1 Water takes

### Key:

Black text = Decisions Version of pSWLP

Blue underline and ~~strike-out~~ = changes agreed and sought by Consent Order

### Policy 20 – Management of water resources

Manage the taking, abstraction, use, damming or diversion of surface water and groundwater so as to:

- 1A. recognise that the use and development (such as primary production) of Southland's land and water resources, ~~including for primary production,~~ can have positive effects including enabling people and communities to provide for their social, economic and cultural wellbeing;
1. avoid, where reasonably practicable, or otherwise remedy or mitigate, adverse effects from the use and development of surface water resources on:
  - (a) the quality and quantity of aquatic habitat, including the life supporting capacity and ecosystem health and processes of water bodies;
  - (b) natural character values, natural features, and amenity, aesthetic and landscape values;
  - (c) areas of significant indigenous vegetation and significant habitats of indigenous fauna;
  - (d) recreational values;
  - (e) the spiritual and cultural values and beliefs of tangata whenua;
  - (f) water quality, including temperature and oxygen content;
  - (g) the reliability of supply for lawful existing surface water users, including those with existing, but not yet implemented, resource consents;
  - (h) groundwater quality and quantity; ~~and~~  
(i)(j) mātaītai, taiāpure and nohoanga; ~~and~~  
(i) historic heritage values.
2. avoid, ~~remedy or mitigate~~ where reasonably practicable, or otherwise ~~remedy or mitigate, significant~~ adverse effects from the use and development of groundwater resources on:
  - (a) long-term aquifer storage volumes;
  - (b) the reliability of supply for lawful existing groundwater users, including those with existing, but not yet implemented, resource consents;
  - (c) surface water flows and levels, particularly in spring-fed streams, natural wetlands, lakes, aquatic ecosystems and habitats (including

life supporting capacity and ecosystem health and processes of water bodies) and their natural character; and

- (d) water quality, [including temperature and oxygen content](#);
3. ensure water is used efficiently and reasonably by requiring that the rate and volume of abstraction specified on water permits to take and use water are no more than reasonable for the intended end use following the criteria established in Appendix O and Appendix L.4.

### **Policy 25 – Priority takes**

When issuing a water shortage direction, the Southland Regional Council will give priority to reasonable water abstractions for the following uses (in no particular order):

- 1. domestic needs, including community water supplies;
  - 2. reasonable animal drinking needs;
  - ~~2a. industries that process perishable foods;~~
  - 3. fire-fighting purposes;
  - 4. public health needs; and
  - 5. animal welfare needs;
- [and as a second priority industries that process perishable primary produce.](#)

### **Rule 49 – Abstraction, diversion and use of surface water**

- (a) The take and use of surface water is a permitted activity provided the following conditions are met:
  - (i) the volume of take does not exceed 2,000 litres per day, plus 250 litres per hectare per day, up to a maximum of 40 cubic metres per landholding per day or per facility per day on public conservation land managed as such under the National Parks Act 1980, Conservation Act 1987 or the Reserves Act 1977;
  - (ii) the maximum volume of take allowed under this rule and Rule 54(a) are not added together. A maximum of 86 cubic metres of groundwater and surface water combined per landholding per day inclusive of any water taken pursuant to s14(3)(b) of the RMA may be taken;
  - (iii) the rate of take from a river or modified watercourse does not exceed 30 percent of the instantaneous flow at the time of take;
  - (iv) the rate of take does not exceed 2 litres per second;
  - (v) fish are prevented from entering the reticulation system in accordance with Appendix R;

- (vi) the following details are supplied to the Southland Regional Council upon request (if applicable):
    - (1) farming type;
    - (2) stocking rate;
    - (3) point of abstraction;
    - (4) what the water was used for;
    - (5) maximum instantaneous rate of take; and
  - (vii) where the volume of the take exceeds 20,000 litres per day, a water meter capable of recording the rate of take and the daily volume of take is used. Water take data must be recorded daily and provided to the Southland Regional Council on request. The accuracy of the water meter must be verified every 12 months.
- (ab) Despite Rule 49(a), the take and use of surface water for infrastructure construction, maintenance and repair is a permitted activity provided the following conditions are met:
- (i) the rate of take does not exceed 15 litres per second;
  - (ii) the volume of take does not exceed 100,000 litres per day;
  - (iii) the bed of the watercourse from where the take occurs is at least 1 metre wide and the depth of flow in the watercourse at that location exceeds 0.5 metres at the time of the take;
  - (iv) the take does not occur for more than 45 consecutive minutes and multiple takes from the same site on a single day are at least 30 minutes apart;
  - (v) the point of abstraction is not located within 50 metres of any existing lawfully established surface water take;
  - (vi) the Southland Regional Council is notified at least three working days prior to the take commencing;
  - (vii) the take occurs between 1 September and 31 March inclusive; and
  - (viii) fish are prevented from entering the water intake in accordance with Appendix R.
- (b) Except as provided for in Rules 49(a), 49(ab), 50(a), 50(b), 51(a) and 51(b), the taking, diversion and use of surface water is a restricted discretionary activity provided the following conditions are met:
- (i) for a lake, river, artificial watercourse, modified watercourse or natural wetland the total surface water allocation is within the secondary allocation specified in Policy 21(3); or
  - (ii) for non-consumptive takes, the total volume of water taken or diverted is returned within 100 metres of the take or diversion point; or
  - (iii) for a lake, river, artificial watercourse, modified watercourse or natural wetland the total volume of water taken is greater than 40 cubic metres per landholding per day but is less than 70 cubic metres per landholding per day.



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

1. the volume, rate, frequency and timing of water to be taken (including any water to be returned to the lake, river, artificial watercourse, modified watercourse or natural wetland and the delay between the taking and returning of this water);
  2. any effects on river flows (including effects on minimum flows, flow variability and duration of flows), wetland or lake water levels, aquatic ecosystems, aquifer storage volumes, the availability and reliability of supply for existing users, and water quality;
  3. the location of the take or diversion;
  4. the efficiency of water use, in accordance with Appendix O;
  5. the installation and use of a water meter;
  6. information and monitoring requirements;
  7. methods to prevent fish from entering the intake in accordance with Appendix R;
  8. take cessation in response to minimum flow and level requirements;
  9. consistency with any water conservation order;
  10. the degree of hydraulic connection to groundwater;
  11. any effect on a natural wetland;
  12. the proposed method of take and delivery of the water; and
  13. any water storage available for the water taken and its volume.
- (c) Except as provided for in Rules 49(a), 49(ab), 49(b), 50(a), 50(b), 51(a), 51(b), and 51(c), the taking, diversion and use of surface water where the total rate of authorised surface water abstraction does not exceed the primary allocation specified in Appendix K is a discretionary activity.
- (d) Except as provided for in Rules 49(a), 49(ab), 49(b), 49(c), 50(a), 50(b), 51(a), 51(b), 51(c), 52(a), 52(b), 52A(a) and 52A(b), the taking, diversion and use of surface water is a non-complying activity.
- (e) Despite Rules 49(b), 49(c), and 49(d) the taking, diversion and use of water from the Cromel Stream is a prohibited activity, unless the application is for the replacement of an expiring water permit pursuant to Section 124 of the Act, the rate of take and volume is not increasing and use of the water is not changing.

**Rule 54 – Abstraction and use of groundwater**

**Note:** *To determine the aquifer type and allocation volume for a proposed groundwater abstraction, Plan users should firstly refer to Map Series 3: Groundwater Management Zones to establish the relevant groundwater*

*zone. Once the relevant groundwater zone has been established, Appendix L can be used to determine the aquifer type.*

- (a) The take and use of groundwater is a permitted activity provided the following conditions are met:
- (i) the volume and rate of abstraction does not exceed:
    - (1) a maximum of 86 cubic metres per day per landholding; and
    - (2) a maximum rate of 5 litres per second; and
    - (3) the point of abstraction is not within 50 metres of an existing lawfully established groundwater take;
  - (ii) the maximum volume of take allowed under this rule and Rule 49(a) are not added together. A maximum of 86 cubic metres of groundwater and surface water combined per landholding per day, inclusive of any water taken pursuant to section 14(3)(b) of the RMA, is allowed;
  - (iii) the following details are supplied to the Southland Regional Council upon request (if applicable):
    - (1) farming type; and
    - (2) stocking rate; and
    - (3) point of abstraction; and
    - (4) what the water is used for; and
    - (5) the maximum rate of take; and
  - (iv) where the volume of the take exceeds 20,000 litres per day, a water meter capable of recording the rate of take and the daily volume of take must be used. Water take data must be recorded [daily at least weekly](#) and provided to the Southland Regional Council on request. The accuracy of the water meter must be verified every 12 months.
- (b) The non-consumptive take and use of groundwater is a permitted activity provided the following conditions are met:
- (i) the rate and volume of take does not exceed:
    - (1) a maximum rate of 10 litres per second; and
    - (2) a maximum daily volume of 750 cubic metres;
  - (ia) any interference effects are “acceptable” in accordance with Appendix L.3;
  - (ii) the same amount of water is returned to the same aquifer within 250 metres of the point at which it was taken; and
  - (iii) there is no significant delay between the taking and returning of the water.
- (c) The take and use of groundwater for hydraulic testing and bore development purposes and any associated discharge of groundwater into water or onto or into land is a permitted activity provided the following conditions are met:

- (i) the Southland Regional Council is notified at least three days prior to test commencement;
  - (ii) the rate of take does not exceed 75 litres per second;
  - (iii) the duration of pumping does not exceed five consecutive days;
  - (iv) any discharge of water to water is consistent with the water quality requirements of section 70 of the RMA;
  - (v) water discharged onto land must not contribute to flooding on any other landholding; and
  - (vi) records of all pumping and recovery tests including the rate and duration of pumping, water levels in the pumped well and any water level observation wells and the time measurements are taken and are provided to the Southland Regional Council within one month of the completion of the test.
- (ca) The take and use of groundwater for the purpose of dewatering for carrying out excavation, construction or maintenance and the associated use and discharge of that water is a permitted activity provided the following conditions are met:
- (i) the Southland Regional Council is notified at least three days prior to dewatering commencing;
  - (ii) the take continues only for the time required to carry out the work, and in any event, the take does not exceed a duration of 60 days in any 12-month period;
  - (iii) the rate of take does not exceed 40 litres per second;
  - (iv) the taking of water does not cause subsidence of any site not owned by the person undertaking the dewatering;
  - (v) the water is not taken from the Lumsden, Wendonside or North Range aquifers;
  - (vi) the take or discharge is not from, into, or onto contaminated or potentially contaminated land;
  - (vii) the take does not have a Riparian, Direct, Moderate or High stream depletion effect on a surface water body, determined in accordance with Appendix L.2, unless the abstracted groundwater is being discharged to the surface water body to which it is hydraulically connected;
  - (viii) an assessment of interference effects, undertaken in accordance with Appendix L.3, does not show that any community or private drinking water supply bore will be prevented from taking water;
  - (ix) at the point and time of any discharge to a river or artificial watercourse, the rate of flow in the water body is at least five times the rate of the discharge;
  - (x) the concentration of total suspended solids in any discharge to a lake, river, artificial watercourse, modified watercourse or natural wetland does not exceed:

- (1) 100 g/m<sup>3</sup> where the discharge is to any Lowland softbed, Lowland hard bed or Hill river or to an artificial watercourse; or
  - (2) 50 g/m<sup>3</sup> where the discharge is to any other lake, river or natural wetland;
- (xi) the point of discharge is not within a Drinking Water Protection Zone as set out in Appendix J; and
- (xii) records of the rate and duration of pumping are taken and are provided to the Southland Regional Council within three months.
- (d) Other than as provided by Rules 54(a), 54(b), 54(c) and 54(ca) the take and use of groundwater from groundwater management zones listed in Appendix L.5 is a discretionary activity provided the following conditions are met:
- (i) the total volume of authorised groundwater abstraction is within the primary allocation limits established in Appendix L.5;
  - (ii) if the degree of hydraulic connection, calculated in accordance with Appendix L.2 Table L.2. is Riparian, Direct, High or Moderate the relevant surface water minimum flows and allocation limits specified in Table L.2 are complied with;
  - (iii) any interference effects are 'acceptable' in accordance with Appendix L.3; and
  - (iv) minimum groundwater level cut-offs and seasonal recovery triggers are established in accordance with criteria outlined in Appendix L.6.
- (e) Other than as provided by Rules 54(a), 54(b), 54(c) and 54(ca) the take and use of groundwater from a confined aquifer is a discretionary activity provided the following conditions are met:
- (i) the total volume of authorised groundwater abstraction is within the primary allocation limits (including minimum water level cut-offs and seasonal recovery triggers) established in Appendix L.5 or following the methodology outlined in Appendix L.6; and
  - (ii) any interference effects are 'acceptable' in accordance with Appendix L.3.
- (f) Other than as provided by Rules 54(a), 54(b) and 54(c) and 54(ca) the take and use of groundwater outside the groundwater management zones listed in Appendix L.5 is a discretionary activity provided the following conditions are met;
- (i) the total volume of authorised groundwater abstraction is within the primary allocation limit established following the methodology outlined in Appendix L.7; and
  - (ii) any interference effects are 'acceptable' in accordance with Appendix L.3.
- (g) The take and use of groundwater that does not otherwise comply with Rules 54(b) to 54(f) is a non-complying activity.

## **Appendix K – Surface Water Appendix**

### **Methodology for establishing the point used to determine minimum flow and the level of allocation**

The point used to determine the minimum flow and the level of allocation for the purposes of Policy 22 is as follows:

- (i) the point of take; or
- (ii) in the case of a lake, river, artificial watercourse, modified watercourses or natural wetland where flow is lost to groundwater along the length of the lake, river, artificial watercourse, modified watercourse or natural wetland, the most flow sensitive point downstream.

The Southland Regional Council will determine the location of the above. Minimum flows are to be developed through gauging of river flows correlated with Southland Regional Council approved water level monitoring sites, rated flow recording sites, or hydrologic modelling.

### ***Minimum Flows***

The minimum flow will be as follows:

- (i) for takes from the primary allocation, the minimum flow will be Q95;
- (ii) for takes from the secondary allocation, the minimum flow will be the natural median flow during the period from 1 April to 30 November each year and the natural mean flow during the period from 1 December to 31 March each year; and
- (iii) for takes outside of the primary or secondary allocation, the minimum flow will be derived on a case-by-case basis using the guidance contained in Method 2 of Appendix K.

In situations where surface water and groundwater interact, a minimum groundwater level may also be set to maintain instream values.

In the absence of quality information, a precautionary approach will be adopted.

### ***Primary and secondary allocation***

Primary allocation regimes will be determined by:

- (i) for a lake, river, artificial watercourse, modified watercourse or natural wetland outside the Waiau catchment and not subject to a Water Conservation Order that specifies an alternative environmental flow and level regime, a primary allocation is available when the following criteria can be met:
  - (1) the total surface water allocation does not exceed a volume of 30 percent of the natural pre-allocation Q95 as determined by Southland Regional Council following the methodology established in Appendix K, at any downstream point in the catchment; and
  - (2) the flow at that location is at or above the natural Q95;
- (ii) in the Waiau catchment, the primary allocation is that authorised through resource consents in force and operative with their terms;

- (iii) for a lake, river, modified watercourse or natural wetland subject to a Water Conservation Order that specifies an environmental flow and level regime, the primary allocation will be that specified in the Order; and
- (iv) in the absence of quality information, a precautionary approach will be adopted.

Secondary allocation regimes will be determined by:

- (i) for a lake, river, artificial watercourse, modified watercourse or natural wetland, outside the Waiau catchment and not subject to a Water Conservation Order that specifies an alternative environmental flow and level regime, a supplementary allocation is available when the following criteria can be met:
  - (1) the total surface water allocation does not exceed a volume of 10 percent of the relevant seasonal flow cut-off flow in a lake, river, artificial watercourse, modified watercourse or natural wetland at the time of take; and
  - (2) the flow at that location is at or above the natural median flow during the period from 1 April to 30 November each year and the natural mean flow during the period from 1 December to 31 March each year;
- (ii) in the Waiau catchment and for a lake, river, modified watercourse or natural wetland subject to a Water Conservation Order that specifies an environmental flow and level regime, the primary allocation encompasses any supplementary allocation; and
- (iii) in the absence of quality information, a precautionary approach will be adopted.

#### **Assessments of environmental effects for surface water takes, diversion and use**

- (i) In situations where the total volume of surface water allocation is between 10 and 30 percent of the Q95 as determined by the Southland Regional Council following the methodology established above, at any downstream point in the catchment, an assessment of environment effects using Method 1 below will be required.
- (ii) In situations where the total volume of surface water allocation will breach 30 percent of the Q95, as determined by the Southland Regional Council following the methodology established above, at any downstream point in the catchment, an assessment of environment effects using Method 2 below will be required.

#### ***Method 1 – Assessment using Generalised Habitat Models***

The process for undertaking an assessment of environmental effects using generalised habitat models is as follows:

- **Step 1:** Determine the relevant surface water management unit and flow range using Southland Regional Council flow data.
- **Step 2:** Determine the appropriate critical value from the data obtained in

Step 1 using following table which shows critical values by surface water management unit and flow range:

Median flow	Surface Water Management Unit		
	Lowland	Hill/Mountain	Hill2 (Hokonui/Catlins)
0 – 300 L/s	Diadromous galaxiid	Non-diadromous galaxiid	Diadromous galaxiids (low elevation) and non-diadromous galaxiids at higher elevations
300 – 750 L/s	<a href="#">Trout spawning/juvenile rearing or Redfin/common bully if trout excluded</a>	Trout spawning/juvenile rearing or non-diadromous galaxiid if trout excluded <a href="#">Large adult trout</a>	Trout spawning/juvenile rearing or non-diadromous galaxiid if trout excluded Large adult trout
0.75 – 2.5 m <sup>3</sup> /s	Trout spawning/juvenile rearing* Large adult trout	Trout spawning/juvenile rearing Large adult trout	Trout spawning/juvenile rearing <a href="#">Large adult trout</a>
2.5 – 5 m <sup>3</sup> /s	Trout spawning/juvenile rearing*	Large adult trout	Large adult trout
> 5 m <sup>3</sup> /s	Large adult trout	Large adult trout	Large adult trout

- **Step 3:** Determine the level of habitat at the Q95 using generalised habitat models for the critical value species (refer to *Review of methods for setting water quantity conditions in the Environment Southland draft Regional Water Plan, NIWA, June 2004*) and compare with the cumulative effect of the allocated and proposed water takes.

### **Method 2 – Assessment using Instream Habitat Flow Incremental Methodology**

The process for undertaking an assessment of environmental effects using instream habitat analysis is the same as the process using generalised habitat models outlined in Steps 1 and 2 above. Steps 3 and 4 of this process are as follows:

- **Step 3:** Determine the level of habitat across the flow range using detailed instream habitat analysis for the critical value species (refer to *Review of methods for setting water quantity conditions in the Environment Southland draft Regional Water Plan, NIWA, June 2004*). For catchments with rivers with a median flow greater than 4.5 m<sup>3</sup>/s, Net Rate of Energy Intake modelling will be used to determine/revise allocation policy for that catchment.
- **Step 4:** Determine the habitat maintenance level using the following table. The habitat maintenance level is based on retaining a percentage of the habitat across the flow range and will be used to determine the impact of the cumulative abstraction on the water body and assist in determining if consent should be granted and if so, the appropriate minimum flow.

Fishery quality will be assumed to be high unless agreed otherwise by key stakeholders such as the Department of Conservation, Fish and Game New Zealand and Te Ao Mārama. Similarly, the habitat maintenance level could be adjusted depending on the perceived values of the out-of-stream use in consultation with key stakeholders.

Critical value	Fishery quality	Significance ranking	% Habitat retention
Large adult trout – perennial fishery	High	1	90
Diadromous galaxiid	High	1	90
Non-diadromous galaxiid	-	2	80
Trout spawning/juvenile rearing	High	3	70
Large adult trout – perennial fishery	Low	3	70
Diadromous galaxiid	Low	3	70
Trout spawning/juvenile rearing	Low	5	60



## Appendix L.5 Groundwater Allocation

### L.5.1 Unconfined Aquifers

The primary allocation for groundwater management zones defined on Map Series 3: Groundwater Management Zones are listed in Table L.4.

**Table L.4 Primary groundwater allocation limits**

Groundwater Zone	Primary Allocation (m <sup>3</sup> x 10 <sup>6</sup> /year)
Awarua	45.81
Blackmount	21.12
Castlerock	6.12
Cattle Flat	2.39
Central Plains	31.29
Centre Hill	6.07
Croydon	2.56
Dipton	9.52
Edendale	11.71
Five Rivers	17.05
Knapdale	2.74
Longridge	4.67
Lower Aparima	32.41
Lower Mataura	34.98
Lower Oreti	19.31
Makarewa	62.67

Orepuki	10.54
Oreti	2.73
Riversdale	6.53
Te Anau	<del>118.25</del> <u>88.94</u>
Te Waewae	18.94
Tiwai	2.57
Upper Aparima	56.93
Upper Mataura	10.40
Waihopai	44.50
Waimatuku	22.27
Waimea Plains	12.41
Waipounamu	1.16
Wendon	5.22
Wendonside	9.56

**Note:** In circumstances where groundwater has a Moderate, High, Direct or Riparian degree of hydraulic connection then the allocation for groundwater in Table L.4 is only available where there is an available surface water allocation.

## Sub-Topic B2 – General Discharges

### Key:

Black text = Decisions Version of pSWLP

Blue underline and ~~strike-out~~ = changes agreed and sought by Consent Order  
 Black underline and ~~strike-out~~ = additional changes agreed through the Planning JWS

Red underline and ~~strike-out~~ = further changes suggested by Matthew McCallum-Clark

### Policy 13 – Management of land use activities and discharges

1. Recognise that the use and development of Southland’s land and water resources, ~~including for primary production,~~ enables people and communities to provide for their social, economic and cultural wellbeing.
2. Manage land use activities and discharges (point source and non-point source) to enable the achievement of Policies 15A, 15B and 15C.

### Policy 15A – Maintain water quality where 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 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.~~

~~2. requiring any application for replacement of an expiring discharge permit to demonstrate how the adverse effects of the discharge are avoided, remedied or mitigated, so that beyond the zone of reasonable mixing those standards or sediment guidelines will continue to be met.~~

### Policy 15B – Improve water quality where standards are not met

Where 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. avoiding, where reasonably practicable, or otherwise remedying or mitigating any adverse effects of other new discharges on water quality or sediment quality that would exacerbate the exceedance of those standards or sediment guidelines; 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](#)).

### **Policy 15C – Maintaining and Improving water quality after FMU processes**

~~Following the establishment of freshwater objectives and limits under Freshwater Management Unit processes, and including through implementation of non-regulatory methods, improve water quality where it is degraded to the point where freshwater objectives are not being met and otherwise maintain water quality where freshwater objectives are being met.~~

### **Policy 16A – Industrial and trade processes that may affect water quality**

~~Subject to Policies 15A and 15B, require the adoption of best practicable option to manage the treatment and discharge of contaminants by:~~

- ~~(a) [Avoiding where practicable, or otherwise remedying or mitigating the adverse effects of discharges from any new industrial or trade process](#)~~  
~~(b) [At the time of any replacement discharge permit, minimising the adverse effects of discharges from any existing industrial or trade process.](#)~~

~~The adverse effects to be managed in accordance with (a) and (b) above include effects on the quality of water in lakes, rivers, artificial watercourses, modified watercourses, wetlands, tidal estuaries, salt marshes and groundwater.~~

~~Minimise the adverse environmental effects (including on the quality of water in lakes, rivers, artificial watercourses, modified watercourses, wetlands, tidal estuaries, salt marshes and groundwater) by requiring the adoption of the best practicable option to manage the treatment and discharge of contaminants derived from industrial and trade processes.~~

### **Policy 17 – Agricultural effluent management**

1. Avoid ~~significant~~ [where reasonably practicable, or otherwise remedy or mitigate, any](#) adverse effects on water quality, and avoid, remedy, or mitigate other adverse effects of the operation of, and discharges from, agricultural effluent management systems ~~by:~~
2. ~~Manage agricultural effluent systems and discharges from them by:~~
  - (a) designing, constructing and locating systems appropriately and in accordance with best practice;
  - (b) maintaining and operating effluent systems in accordance with best practice guidelines;
  - (c) avoiding any surface run-off or overland flow, ponding or contamination of water, including via sub-surface drainage, resulting from the ~~application~~ [discharge](#) of agricultural effluent to pasture; and
  - (d) avoiding the discharge of untreated agricultural effluent to water.

**Note:** *Examples of best practice referred to in Policy 17(2)(a) for agricultural effluent include IPENZ Practice Note 21: Farm Dairy Effluent Pond Design and Construction and IPENZ Practice Note 27: Dairy Farm Infrastructure ([although these will not be applicable to all above ground tanks](#)).*

**Note:** *Examples of best practice guidelines referred to in Policy 17(2)(b) for agricultural effluent include DairyNZ's guidelines A Farmer's Guide to Managing*

*Farm Dairy Effluent – A Good Practice Guide for Land Application Systems, 2015 and A Staff Guide to Operating Your Effluent Irrigation System, 2013.*

### **Policy 17A – Community sewerage schemes and on-site wastewater systems**

1. ~~Minimise~~ Avoid where reasonably practicable, or otherwise remedy or mitigate, any adverse effects on water quality, and avoid, remedy, or mitigate other adverse effects of the operation of, and discharges from, community sewerage schemes by:
  - (a) designing, operating and maintaining community sewerage schemes in accordance with recognised industry standards;
  - (b) implementing measures to progressively reduce the frequency and volume of wet weather overflows from community sewerage schemes; and
  - (c) ensuring community sewerage schemes are operated and maintained to minimise ~~the likelihood of~~ dry weather overflows occurring.
2. Avoid the discharge of untreated domestic wastewater to water or onto or into land; and avoid, remedy, or mitigate the adverse effects of discharges from on-site wastewater systems; by:
  - (a) avoiding any surface run-off or overland flow, ponding, or contamination of water from the application of domestic wastewater to land; and
  - (b) designing, locating and maintaining on-site wastewater systems in accordance with Sections 5 and 6 of the New Zealand Standard AS/NZS 1547:2012 On-site Domestic Wastewater Management.

### **Rule 5 – Discharges to surface water bodies**

- (a) Except as provided for elsewhere in this Plan the discharge of any:
  - (i) contaminant, or water, into a lake, river, artificial watercourse, modified watercourse or natural wetland; or
  - (ii) contaminant onto or into land in circumstances where it may enter a lake, river, artificial watercourse, modified watercourse or natural wetland; is a discretionary activity provided the following conditions are met:
    1. where the water quality upstream of the discharge meets the standards set for the relevant water body in Appendix E “Water Quality Standards”, the discharge does not reduce the water quality below those standards at the downstream edge of the reasonable mixing zone; or
    2. where the water quality upstream of the discharge does not meet the standards set for the relevant water body in Appendix E “Water Quality Standards”, the discharge must not further reduce the water quality below those standards at the downstream edge of the reasonable mixing zone; and
    3. ~~except for discharges from a territorial authority reticulated stormwater or wastewater system,~~ the discharge does not contain any raw sewage.

### **Rule 9 – Discharge of agrichemicals onto or into surface water**

- (a) The discharge of agrichemicals and any associated wetting, antifoaming and anti-drifting agent and marker dyes into or onto surface water is a permitted activity provided the following conditions are met:
  - (i) the discharge is for the purpose of eradicating, modifying or controlling excessive growth of aquatic plants, and does not exceed the quantity,

concentration or rate necessary, as recommended by the manufacturer [or approved by the Environmental Protection Authority](#);

(ii) the agrichemical is approved for aquatic use within New Zealand under the Hazardous Substances and New Organisms Act 1996, and the use and discharge of the substance is in accordance with all the conditions of the approval;

(iii) the discharge is undertaken in a manner consistent with NZS8409:2004 Management of Agrichemicals and for specific activities in compliance with the following sections of NZS8409: 2004 Management of Agrichemicals:

1. Use – Part 5.3 and related Appendices;
2. Storage – Section 4 and Appendix L4;
3. Disposal – Section 6 and Appendix S; and
4. Records – Appendix C9;

(iv) all practicable measures are taken to minimise spray drift beyond the target area;

(v) at the downstream edge of the reasonable mixing zone, the discharge does not give rise to any of the following effects in the receiving water:

1. the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
2. any conspicuous change in visual clarity; or
3. the rendering of freshwater unsuitable for consumption by farm animals; or
4. any significant adverse effects on aquatic life, other than the target species;

(vi) there is no adverse effect on any water take permitted by the RMA, this Plan or under a resource consent;

(vii) the discharge is not into water within natural state waters, a mātaimai reserve or taiāpure,<sup>1</sup> or within the microbial health protection zone of a surface water drinking water supply site identified in Appendix J, or where no such zone is identified, within 250 metres upstream of the abstraction point of a surface water drinking water supply site identified in Appendix J; and

(viii) the discharge is not into waters subject to the Mataura River Water Conservation Order or identified in item 1 of Schedule 1 of the Ōreti River Water Conservation Order, unless the discharge is undertaken pursuant to the Soil Conservation and Rivers Control Act 1941 or by a provider of regional, national or critical infrastructure as part of infrastructure maintenance or protection activities.

**Note:** Provisions in the Regional Air Plan also apply to the discharge of agrichemicals.

**Note:** Any discharge of the vertebrate toxic agents brodifacoum, rotenone or sodium fluoroacetate that complies with the Resource Management (Exemption) Regulations (2017) is exempt from any discharge controls under the Resource Management Act and this Plan.

**Note:** In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.

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<sup>1</sup> Mātaimai and taiāpure defined in the introduction at page 10.

### Rule 13 – Discharges from sub-surface 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 sediment cover of the receiving waters beyond 20 metres from the point of discharge; or
    - ~~(3)~~<sup>(2)</sup> conspicuous oil or grease films, scrums or foams, or floatable or suspended materials beyond 20 metres from the point of discharge;
  - (ii) the discharge does not render freshwater unsuitable for consumption by farm animals;
  - (iii) the discharge does not cause the flooding of any other landholding;
  - (iv) the discharge does not cause any scouring or erosion of any land or bed of a water body beyond the point of discharge;
  - (v) the discharge does not cause any significant adverse effects on aquatic life;
  - (vi) the subsurface drainage system does not drain a natural wetland; and
  - (vii) for any known existing drains and for any new drains, the locations of the drain outlets are mapped and provided to the Southland Regional Council on request.
- (b) The discharge of land drainage water to water from an on-farm subsurface drainage system that does not comply with Rule 13(a) is a discretionary activity.

### Rule 14 – Discharge of Fertiliser

- (a) The discharge of fertiliser onto or into land in circumstances where contaminants may enter water is a permitted activity provided the following conditions are met:
- (i) other than for incidental discharges of windblown fertiliser dust, there is no direct discharge of fertiliser into a lake, river (~~excluding ephemeral rivers~~), artificial watercourse, modified watercourse, or natural wetland or into groundwater;
  - (ii) there is no fertiliser discharged when the soil moisture exceeds field capacity;
  - (iii) there is no fertiliser discharged directly into or within 3 metres of the boundary of any significant indigenous biodiversity site identified in a district plan that includes surface water; and
  - (iv) where a lake, river (~~excluding ephemeral rivers~~), artificial watercourse, modified watercourse or wetland:
    - (1) has riparian planting from which stock is excluded, fertiliser may be discharged up to the paddock-side edge of the riparian planting but not onto the riparian planting, except for fertiliser required to establish the planting; or
    - (2) does not have riparian planting from which stock is excluded, fertiliser is not discharged directly into or within 3 metres of the bed or within 3 metres of a wetland.
- (b) The discharge of fertiliser onto or into land in circumstances where the fertiliser may enter water that does not meet the conditions of Rule 14(a) is a non-complying activity.

## Rule 15 – Discharge of stormwater

(a) The discharge of stormwater onto or into land in circumstances where contaminants may enter water, or into a lake, river, artificial watercourse, modified watercourse or wetland, is a permitted activity provided the following conditions are met:

- (i) the discharge is not from a reticulated system; and
- (ii) the discharge does not originate from industrial or trade premises where hazardous substances are stored or used unless:
  - (1) hazardous substances cannot enter the stormwater system; or
  - (2) there is an interceptor system in place to collect stormwater that may contain hazardous substances and discharge or divert it to a trade waste system; or
  - (3) the stormwater contains no hazardous substances except oil and grease and the stormwater is passed through an oil interceptor system prior to discharge; and
- (iii) the discharge does not contain any sewage, contaminants from on-site wastewater systems and mobile toilets, or agricultural effluent;
- (iv) for discharges to a lake, river, artificial watercourse, modified watercourse or wetland, the discharge does not result in:
  - (1) the production of any conspicuous oil or grease films, scums, foams or floatable or suspended materials; or
  - (2) the rendering of freshwater unsuitable for the consumption by farm animals; or
  - (3) significant adverse effects to aquatic life; or
  - (4) ~~any conspicuous change in the colour or visual clarity of the receiving waters at the downstream edge of the reasonable mixing zone; more than a 20% change in the colour or visual clarity of the receiving waters at the downstream edge of the reasonable mixing zone; or~~
  - (5) ~~more than a 10% change in sediment cover of the receiving waters at the downstream edge of the reasonable mixing zone;~~
- (v) except for the discharge of stormwater from a roof, road or vehicle parking area, the discharge is not into water within natural state waters; and
- (vi) for discharges to land, the discharge does not cause flooding, erosion, or land instability to any other person's property.

(ab) The discharge of stormwater and any contaminants contained within, from a reticulated system onto or into land where contaminants may enter water, or into a lake, river, artificial watercourse, modified watercourse or wetland, that does not meet Rule 15(a)(i) is a discretionary activity provided the following conditions are met:

- (i) the reticulated system is owned by a territorial authority and is operated by them or their agent;
- (ii) a management plan is provided with the application that sets out, in a manner that reflects the scale and significance of water quality improvements required in the catchment:
  - (1) targets for the reduction in the volume and frequency of wastewater overflows into the stormwater network, and methods to monitor the volume and frequency of those overflow discharges;
  - (2) a monitoring and investigation programme to identify and remedy wastewater cross-connections on private and public land; and
  - (3) methods to improve the quality of the discharge, which may include capital works, bylaws, investigations, education and preventative activities; and
- (iii) demonstration of funding for implementing the management plan is provided with the application; and



(iv) the discharge does not contain any contaminants from on-site wastewater systems and mobile toilets, or agricultural effluent; and

(v) where the water quality upstream of a point source discharge meets the standards set for the relevant waterbody in Appendix E “Water Quality Standards”, the discharge does not reduce the water quality below those standards at the downstream edge of the reasonable mixing zone; or

(vi) where the water quality upstream of a point source 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.

(b) The discharge of stormwater onto or into land in circumstances where contaminants may enter water, or into a lake, river, artificial watercourse, modified watercourse or wetland, that does not meet one or more of the conditions in Rule 15(a), excluding condition (a)(iii), a(v) or a(vi), and which is not otherwise specified in Rule 15(ab) is a discretionary activity.

(c) The discharge of stormwater onto or into land in circumstances where contaminants may enter water, or into a lake, river, artificial watercourse, modified watercourse or wetland, that does not meet Rule 15(a)(iii), a(v) or a(vi), and is not otherwise specified in Rule 15(ab) is a non-complying activity.

### **Rule 32B – Construction, maintenance and use of new agricultural effluent storage facilities**

*Note: In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.*

(a) The use of land for the construction, maintenance and use of a new agricultural effluent storage facility, ~~and any incidental discharge of agricultural effluent directly onto or into land from that facility which is, where relevant, within the normal operating parameters of a leak detection system or the pond drop test criteria set out in Appendix~~ is a permitted activity provided the following conditions are met:

(i) the ~~total~~ capacity of any individual agricultural effluent storage structure facility on a landholding, excluding storage authorised by a resource consent, does not exceed 35 cubic metres;

(ii) the agricultural effluent storage facility is constructed using an impermeable concrete or synthetic liner;

(iii) the agricultural effluent storage facility is not within 50 metres of a lake, river, artificial watercourse, modified watercourse, natural wetland or the coastal marine area;

(iv) the agricultural effluent storage facility is not within 200 metres of any dwelling not on the same landholding, or within 50 metres of the boundary of any other landholding or road;

(v) the agricultural effluent storage facility is not within 100 metres of any authorised drinking water abstraction point; and

(vi) the agricultural effluent storage facility is not located above any known sub-surface drainage systems.

(b) The use of land for the construction, maintenance and use of a new agricultural effluent storage facility, ~~and any incidental discharge of agricultural effluent directly onto or into land from that facility which is, where relevant, within the normal operating parameters of a leak detection system, or the pond drop~~

~~test criteria set out in Appendix P~~ which does not meet condition (i) or condition (ii) of Rule 32B(a) is a controlled activity provided the following conditions are met:

- (i) the design is certified by a Chartered Professional Engineer as being in accordance with IPENZ Practice Note 21: Farm Dairy Effluent Pond Design and Construction (2013) or IPENZ Practice Note 27: Dairy Farm Infrastructure (2013), except in the case of an above ground tank, those Practice Notes only apply to the extent they are relevant to above ground tanks; and
- (ii) the application includes an operational management plan that addresses operational procedures, emergency response, monitoring and reporting requirements, the undertaking of pond drop tests, and installation of monitoring devices; and
- (iii) conditions (iii) to (vi) of Rule 32B(a).

The Southland Regional Council will reserve its control over the following matters:

1. the design and construction of the new agricultural effluent storage facility including its storage capacity, the nature of effluent it will store, and the anticipated life of the storage facility;
2. methods to be used to protect the agricultural effluent storage facility's embankments from damage by animals and machinery;
3. the potential adverse effects of the construction, maintenance and use of the agricultural effluent storage facility on: lakes, rivers, artificial watercourses, installed subsurface drains, groundwater, bores, registered drinking water supplies, the coastal marine area, stop banks, residential dwellings, places of assembly and urban areas;
4. distance of the agricultural effluent storage facility from landholding or road boundaries;
5. the height of the agricultural effluent storage facility's embankments and placement and orientation of the agricultural effluent storage facility relative to flood flows and stormwater run-off;
6. the quality of, and compliance with, the operational management plan; and
7. adoption and implementation of an Accidental Discovery Protocol.

(c) The use of land for the construction, maintenance and use of a new agricultural effluent storage facility, ~~and any incidental discharge of agricultural effluent directly onto or into land from that facility which is, where relevant, within the normal operating parameters of a leak detection system, or the pond drop test criteria set out in Appendix P~~, which meets conditions (i) and (ii) of Rule 32B(a), but which does not meet one or more of conditions (iii) to (vi) of Rule 32B(a), is a discretionary activity.

(d) The use of land for the construction, maintenance and use of a new agricultural effluent storage facility, ~~and any incidental discharge of agricultural effluent directly onto or into land from that facility which is, where relevant, within the normal operating parameters of a leak detection system, or the pond drop test criteria set out in Appendix P~~, which meets condition (i) of Rule 32B(b), but which does not meet one or more of conditions (ii) and (iii) of Rule 32B(b), is a discretionary activity.

(e) The use of land for the construction, maintenance and use of a new agricultural effluent storage facility, ~~and any incidental discharge of agricultural effluent directly onto or into land from that facility which is within the normal operating parameters of a leak detection system or the pond drop test criteria set out in Appendix P~~, which does not meet condition (i) of Rule 32B(b) is a non-complying activity.

### Rule 32D – Existing agricultural effluent storage facilities

(a) The use of land for the maintenance and use of an existing agricultural effluent storage facility that was authorised prior to Rule 32D taking legal effect, ~~and any incidental discharge directly onto or into land from that storage facility which is, where relevant, within the normal operating parameters of a leak detection system or the pond drop test criteria set out in Appendix P,~~ is a permitted activity provided the following conditions are met:

(i) the construction of the existing agricultural effluent storage facility was authorised by a resource consent; or:

(ii) the construction of the existing agricultural effluent storage facility was lawfully carried out without a resource consent; and

~~(1) was authorised by a resource consent; or~~

~~(2) was lawfully carried out without a resource consent; and~~

~~(ii)(iii)~~ where the construction of the existing agricultural effluent storage facility was lawfully carried out without resource consent, the landholding owner or their agent must provide information to the Southland Regional Council upon request, demonstrating that any the component of an existing agricultural effluent storage facility ~~is~~ either:

(1) has a capacity of 35m<sup>3</sup> or less, is constructed using an impermeable concrete or synthetic liner, and has no defect that would cause leakage; or

~~(1)(2)~~ is fully lined with an impermeable synthetic liner, or is of concrete construction, ~~or is above ground level,~~ and:

(a) has a leak detection system that underlies the entire agricultural effluent storage facility which is inspected not less than monthly and there is no evidence of any leakage; and

(b) has been is certified by a Suitably Qualified Person in accordance with Appendix P within the last 10 years as meeting the relevant pond drop test criteria in Appendix P; or

~~(3)(e)~~ is an above ground storage tank constructed in accordance with a building consent and has been certified by a Suitably Qualified Person within the last 5 years, following an external visual inspection, as having no visible cracks, holes or defects in the tank that would allow effluent to leak or visible leakage from the sides or base of the tank; or

~~(4)(2)~~ is certified by a Suitably Qualified Person within the last three years as:

(a) having no visible cracks, holes or defects that would allow effluent to leak from the effluent storage facility; and

(b) meeting the relevant pond drop test criteria in Appendix P.

(b) The use of land for the maintenance and use of an existing agricultural effluent storage facility that was authorised prior to Rule 32D taking legal effect, ~~and any incidental discharge directly onto or into land from that storage facility which is, where relevant, within the normal operating parameters of a leak detection system or the pond drop test criteria set out in Appendix P~~ that does not meet one or more conditions of Rule 32D(a) is a discretionary activity.

(c) The use of land for the replacement of an existing agricultural effluent storage facility's impermeable synthetic liner with a new impermeable synthetic liner or the installation of an impermeable synthetic liner in an existing agricultural effluent storage facility that does not have an impermeable synthetic liner is a controlled activity provided the following conditions are met:

(i) the construction of the existing agricultural effluent storage facility:

(1) was lawfully carried out without a resource consent; or

(2) was authorised by a resource consent; and

(ii) The design and installation of the impermeable synthetic liner and associated gas venting and leak detection system (if applicable) shall be carried out by a suitably qualified person; and

(iii) The existing agricultural effluent storage facility is not being enlarged or otherwise modified beyond the extent necessary to install the impermeable synthetic liner and associated components.

The Southland Regional Council will reserve its control to the following matters:

1. The design, installation, and certification of the impermeable synthetic liner.

2. The design and installation of a gas venting and leak detection system.

3. Investigations into, and work to ensure, the structural integrity of the pond structure

4. Testing requirements to ensure the impermeable synthetic liner and any associated gas venting and leak detection system has been installed and is operating correctly.

(d) The use of land for the replacement of an existing agricultural effluent storage facility's impermeable synthetic liner with a new impermeable synthetic liner or the installation of an impermeable synthetic liner in an existing agricultural effluent storage facility that does not have an impermeable synthetic liner that does not meet one or more conditions of Rule 32D(c) is a discretionary activity

**Note:** *In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.*

#### **Rule 32E (new)**

(a) The incidental discharge of agricultural effluent directly onto or into land from an agricultural effluent storage facility that is authorised under Rules 32B or 32D is a permitted activity provided the following conditions are met:

(i) The discharge is directly through the sides or base of the agricultural effluent storage facility; and

(ii) The incidental discharge amount is, where relevant, within the normal operating parameters of a leak detection system or within the pond drop test criteria set out in Appendix P.

(b) The incidental discharge of agricultural effluent directly onto or into land from an agricultural effluent storage facility that is authorised under Rules 32B or 32D that does not meet one or more of the conditions of Rule 32E(a) is a discretionary activity.

#### **Rule 33 – Community sewerage schemes (discharge to land)**

(aa) the discharge of effluent or bio-solids onto or into land, from a community sewerage scheme that was constructed before 1 January 2017 in circumstances where contaminants may enter water is a discretionary activity.

(a) The discharge of effluent or bio-solids onto or into land, in circumstances where contaminants may enter water, from a community sewerage scheme is a discretionary activity, provided the following conditions are met for community sewerage schemes constructed after 1 January 2017:

(i) the discharge is not within 20 metres of a river, lake, artificial watercourse, modified watercourse, natural wetland or the coastal marine area;

(ii) the discharge is not within 200 metres of any place of assembly or dwelling not on the same landholding, or 20 metres of the boundary of any other landholding; and

- (iii) the discharge is not within 100 metres of any authorised water abstraction point.
- (b) The discharge of effluent or bio-solids onto or into land, in circumstances where contaminants may enter water, from a community sewerage scheme constructed after 1 January 2017 that does not meet the conditions of Rule 33(a) is a non-complying activity.

### **Rule 33A – Community sewerage schemes (discharge to water)**

- (a) The discharge of effluent or bio-solids from a community sewerage scheme into water in a river, lake, artificial watercourse, modified watercourse or natural wetland where the Appendix E – Receiving Water Quality Standards are met and the discharge does not reduce the water quality below those standards at the downstream edge of the reasonable mixing zone is a discretionary activity;
- (b) The discharge of effluent or bio-solids from a community sewerage scheme into water in a river, lake, artificial watercourse, modified watercourse or natural wetland where Rule 33A(a) is not met the discharge is a non-complying activity.

### **Rule 40 – Silage storage**

- (a) The use of land for a silage storage facility is a permitted activity provided the following conditions are met:
  - (ii) there is no overland flow of stormwater into the silage storage facility;
  - (v) no part of the silage storage facility is within:
    - (1) 50 metres of a lake, river (~~excluding ephemeral rivers~~), artificial watercourse, modified watercourse, natural wetland or any potable water abstraction point; or
    - (2) 100 metres of any dwelling or place of assembly, on another landholding constructed or in use prior to the silage storage facility being lawfully established; or
    - (3) the microbial health protection zone of a drinking water supply site identified in Appendix J, or where no such zone is identified, then within 250 metres of the abstraction point of a drinking water supply site identified in Appendix J; or
    - (4) a critical source area; and

[rest of rule unchanged]

### **Appendix E – Receiving Water Quality Standards**

These standards apply to the effects of discharges following reasonable mixing with the receiving waters, unless otherwise stated. They do not apply to waters within artificial storage ponds such as effluent storage ponds or stock water reservoirs or to temporarily ponded rainfall.

The standard for a given parameter will not apply in a lake, river, artificial watercourse or modified watercourse or natural wetland where:

- (a) due to natural causes, that parameter cannot meet the standard; or

(b) due to the effects of the operation of the Manapōuri hydro-electric generation scheme that alters natural flows, that parameter cannot meet the standard.<sup>2</sup>

Plan users should contact the Southland Regional Council for guidance on standard methodologies for collecting water quality data. Monitoring requirements imposed as consent conditions require sample collection, preservation and analysis to be carried out in accordance with the most recent edition of American Public Health Association (APHA) “Standard Methods for the Examination of Water and Wastewater” or National Environmental Monitoring Standard (NEMS) and analyses to be carried out by a laboratory with International Accreditation New Zealand (IANZ) registration or equivalent.

### **Surface water bodies classified as “Natural State Waters”**

The natural quality of the water shall not be altered.

### **Surface water bodies classified as “Lowland soft bed”**

The temperature of the water:

- shall not exceed 23°C
- the daily maximum ambient water temperature shall not be increased by more than 3°C when the natural or existing water temperature is 16°C or less, as a result of any discharge. If the natural or existing water temperature is above 16°C, the natural or existing water temperature shall not be exceeded by more than 1°C as a result of any discharge.

The pH of the water shall be within the range 6.5 to 9, and there shall be no pH change in water due to a discharge that results in a loss of biological diversity or a change in community abundance and composition.

The change in [fine sediment \(<2mm diameter\) bed](#) cover must not exceed 10%.

The concentration of dissolved oxygen in water shall exceed 80% of saturation concentration.

There shall be no bacterial or fungal slime growths visible to the naked eye as obvious plumose growths or mats. Note that this standard also applies to within the zone of reasonable mixing for a discharge.

When the flow is [at or](#) below the median flow, the visual clarity of the water shall not be less than 1.3 metres.

[There shall be no more than a 33% change in clarity or colour at the edge of the reasonable mixing zone, relative to the clarity or colour upstream of the discharge point.](#)

The concentration of total ammonia shall not exceed the values specified in Table 1 “Ammonia standards for Lowland and Hill surface water bodies”.

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<sup>2</sup> To be resolved as part of Sub-topic B6

The concentration of faecal coliforms shall not exceed 1,000 coliforms per 100 millilitres, except for popular bathing sites, defined in Appendix G “Popular Bathing Sites” and within 1 km immediately upstream of these sites, where the concentration of Escherichia coli shall not exceed 130 E. coli per 100 millilitres.

The Macroinvertebrate Community Index shall exceed ~~8090~~ and the ~~Semi-~~ Quantitative Macroinvertebrate Community Index shall exceed ~~3-5~~ 4.5.

Fish shall not be rendered unsuitable for human consumption by the presence of contaminants.

### **Surface water bodies classified as “Lowland hard bed”**

The temperature of the water:

- shall not exceed 23°C
- shall not exceed 11°C in trout spawning areas during May to September inclusive
- the daily maximum ambient water temperature shall not be increased by more than 3°C when the natural or existing water temperature is 16°C or less, as a result of any discharge. If the natural or existing water temperature is above 16°C, the natural or existing water temperature shall not be exceeded by more than 1°C as a result of any discharge.

The pH of the water shall be within the range 6.5 to 9, and there shall be no pH change in water due to a discharge that results in a loss of biological diversity or a change in community composition.

The change in fine sediment (<2mm diameter) bed cover must not exceed 10%.

The concentration of dissolved oxygen in water shall exceed 80% of saturation concentration.

There shall be no bacterial or fungal slime growths visible to the naked eye as obvious plumose growths or mats. Note that this standard also applies to within the zone of reasonable mixing for a discharge.

When the flow is at or below the median flow, the visual clarity of the water shall not be less than 1.6 metres, except where the water is naturally low in clarity as a result of high concentrations of tannins, in which case the natural colour and clarity shall not be altered.

There shall be no more than a 20% change in clarity or colour at the edge of the reasonable mixing zone, relative to the clarity or colour upstream of the discharge point.

The concentration of total ammonia shall not exceed the values specified in Table 1 “Ammonia standards for Lowland and Hill surface water bodies”.

The concentration of faecal coliforms shall not exceed 1,000 coliforms per 100 millilitres, except for popular bathing sites, defined in Appendix G “Popular Bathing Sites” and within 1 km immediately upstream of these sites, where the concentration of Escherichia coli shall not exceed 130 E. coli per 100 millilitres.

For the period 1 November through to 30 April, filamentous algae of greater than 2 cm long shall not cover more than 30% of the visible stream bed. Growth of

diatoms and cyanobacteria greater than 0.3 cm thick shall not cover more than 60% of the visible stream bed.

Biomass shall not exceed 35 grams per square metre for either filamentous algae or diatoms and cyanobacteria.

Chlorophyll a shall not exceed 120 milligrams per square metre for filamentous algae and 200 milligrams per square metre for diatoms and cyanobacteria.

The Macroinvertebrate Community Index shall exceed a score of 90 and the [Semi-Quantitative Macroinvertebrate Community Index](#) shall exceed a score of 4.5.

Fish shall not be rendered unsuitable for human consumption by the presence of contaminants.

### **Surface water bodies classified as “Hill”**

The temperature of the water:

- shall not exceed 23°C
- shall not exceed 11°C in trout spawning areas during May to September inclusive
- the daily maximum ambient water temperature shall not be increased by more than 3°C when the natural or existing water temperature is 16°C or less, as a result of any discharge. If the natural or existing water temperature is above 16°C, the natural or existing water temperature shall not be exceeded by more than 1°C as a result of any discharge.

The pH of the water shall be within the range 6.5 to 9, and there shall be no pH change in water due to a discharge that results in a loss of biological diversity or a change in community composition.

The change in [fine sediment \(<2mm diameter\) bed](#) cover must not exceed 10%.

The concentration of dissolved oxygen in water shall exceed 80% of saturation concentration.

There shall be no bacterial or fungal slime growths visible to the naked eye as obvious plumose growths or mats. Note that this standard also applies to within the zone of reasonable mixing for a discharge.

When the flow is [at or](#) below the median flow, the visual clarity of the water shall not be less than 1.6 metres.<sup>3</sup>

[There shall be no more than a 20% change in clarity or colour at the edge of the reasonable mixing zone, relative to the clarity or colour upstream of the discharge point.](#)

The concentration of total ammonia shall not exceed the values specified in Table 1 “Ammonia standards for Lowland and Hill surface water bodies”.

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<sup>3</sup> Visual clarity is assessed using the black disc method or other comparable method employed by Environment Southland.



The concentration of faecal coliforms shall not exceed 1,000 coliforms per 100 millilitres, except for popular bathing sites, defined in Appendix G “Popular Bathing Sites” and within 1 km immediately upstream of these sites, where the concentration of Escherichia coli shall not exceed 130 E. coli per 100 millilitres.

Filamentous algae of greater than 2 cm long shall not cover more than 30% of the visible stream bed. Growths of diatoms and cyanobacteria greater than 0.3cm thick shall not cover more than 60% of the visible stream bed.

Biomass shall not exceed 35 grams per square metre for filamentous algae.

Chlorophyll a shall not exceed 120 milligrams per square metre for filamentous algae.

The Macroinvertebrate Community Index shall exceed a score of 100 and the ~~Semi~~-Quantitative Macroinvertebrate Community Index shall exceed a score of 5.5.

Fish shall not be rendered unsuitable for human consumption by the presence of contaminants.

#### **Surface water bodies classified as “Mountain”**

The temperature of the water:

- shall not exceed 21°C
- shall not exceed 11°C in trout spawning areas during May to September inclusive
- the daily maximum ambient water temperature shall not be increased by more than 3°C when the natural or existing water temperature is 16°C or less, as a result of any discharge. If the natural or existing water temperature is above 16°C, the natural or existing water temperature shall not be exceeded by more than 1°C as a result of any discharge.

The pH of the water shall be within the range 7.2 to 8, and there shall be no pH change in water due to a discharge that results in a loss of biological diversity or a change in community composition.

The change in fine sediment (<2mm diameter) bed cover must not exceed 10%.

The concentration of dissolved oxygen in water shall exceed 99% of saturation concentration.

There shall be no bacterial or fungal slime growths visible to the naked eye as obvious plumose growths or mats. Note that this standard also applies to within the zone of reasonable mixing for a discharge.

When the flow is at or below the median flow, the visual clarity of the water shall not be less than 3 metres.

There shall be no more than a 20% change in clarity or colour at the edge of the reasonable mixing zone, relative to the clarity or colour upstream of the discharge point.

The concentration of total ammonia shall not exceed 0.32 milligrams per litre.

The concentration of *Escherichia coli* shall not exceed 130 *E. coli* per 100 millilitres in any sample.

Filamentous algae of greater than 2 cm long shall not cover more than 30% of the visible stream bed.

Biomass shall not exceed 35 milligrams per square metre for filamentous algae.

Chlorophyll a shall not exceed 50 milligrams per square metre for filamentous algae.

Growths of diatoms and cyanobacteria greater than 0.3 cm thick shall not cover more than 60% of the visible stream bed.

The Macroinvertebrate Community Index shall exceed a score of 120 and the ~~Semi~~-Quantitative Macroinvertebrate Community Index shall exceed a score of 7.

Fish shall not be rendered unsuitable for human consumption by the presence of contaminants.

#### **Surface water bodies classified as “Lake Fed”**

The temperature of the water:

- shall not exceed 21°C
- shall not exceed 11°C in trout spawning areas during May to September inclusive
- the daily maximum ambient water temperature shall not be increased by more than 3°C when the natural or existing water temperature is 16°C or less, as a result of any discharge. If the natural or existing water temperature is above 16°C, the natural or existing water temperature shall not be exceeded by more than 1°C as a result of any discharge.

The pH of the water shall be within the range 7.2 to 8, and there shall be no pH change in water due to a discharge that results in a loss of biological diversity or a change in community composition.

The change in fine sediment (<2mm diameter) bed cover must not exceed 10%.

The concentration of dissolved oxygen in water shall exceed 99% of saturation concentration.

There shall be no bacterial or fungal slime growths visible to the naked eye as obvious plumose growths or mats. Note that this standard also applies to within the zone of reasonable mixing for a discharge.

When the flow is at or below the median flow, the visual clarity of the water shall not be less than 3 metres.

There shall be no more than a 20% change in clarity or colour at the edge of the reasonable mixing zone, relative to the clarity or colour upstream of the discharge point.

The concentration of total ammonia shall not exceed 0.32 milligrams per litre.

The concentration of *Escherichia coli* shall not exceed 130 *E. coli* per 100 millilitres in any sample.

Chlorophyll a shall not exceed 50 milligrams per square metre at any time or exceed a monthly mean of 15 milligrams per square metre for filamentous algae or diatoms and cyanobacteria.

The Macroinvertebrate Community Index shall exceed a score of 90 and the [Semi-Quantitative Macroinvertebrate Community Index](#) shall exceed a score of 4.5.

Fish shall not be rendered unsuitable for human consumption by the presence of contaminants.

### **Surface water bodies classified as “Spring Fed”**

The temperature of the water:

- shall not exceed 21°C
- shall not exceed 11°C in trout spawning areas during May to September inclusive
- the daily maximum ambient water temperature shall not be increased by more than 3°C when the natural or existing water temperature is 16°C or less, as a result of any discharge. If the natural or existing water temperature is above 16°C, the natural or existing water temperature shall not be exceeded by more than 1°C as a result of any discharge.

The pH of the water shall be within the range 6.5 to 9, and there shall be no pH change in water due to a discharge that results in a loss of biological diversity or a change in community composition.

The change in [fine sediment \(<2mm diameter\) bed](#) cover must not exceed 10%.

The concentration of dissolved oxygen in water shall exceed 99% of saturation concentration.

There shall be no bacterial or fungal slime growths visible to the naked eye as obvious plumose growths or mats. Note that this standard also applies to within the zone of reasonable mixing for a discharge.

When the flow is [at or](#) below the median flow, the visual clarity of the water shall not be less than 3 metres.

[There shall be no more than a 20% change in clarity or colour at the edge of the reasonable mixing zone, relative to the clarity or colour upstream of the discharge point.](#)

The concentration of total ammonia shall not exceed 0.32 milligrams per litre.

The concentration of faecal coliforms shall not exceed 1,000 coliforms per 100 millilitres, except for popular bathing sites, defined in Appendix G “Popular Bathing Sites” and within 1 km immediately upstream of these sites, where the concentration of *Escherichia coli* shall not exceed 130 *E. coli* per 100 millilitres.

Chlorophyll a shall not exceed 50 milligrams per square metre at any time, or exceed a monthly mean of 15 milligrams per square metre for filamentous algae or diatoms and cyanobacteria.

The Macroinvertebrate Community Index shall exceed a score of 90 and the ~~Semi~~-Quantitative Macroinvertebrate Community Index shall exceed a score of 4.5.

Fish shall not be rendered unsuitable for human consumption by the presence of contaminants.

#### **Surface water bodies classified as “Lowland/Coastal Lakes and Wetlands”**

The temperature of the water:

- shall not exceed 23°C
- the daily maximum ambient water temperature shall not be increased by more than 3°C when the natural or existing water temperature is 16°C or less, as a result of any discharge. If the natural or existing water temperature is above 16°C, the natural or existing water temperature shall not be exceeded by more than 1°C as a result of any discharge.

The pH of the water shall be within the range 6.5 to 9, and there shall be no pH change in water due to a discharge that results in a loss of biological diversity or a change in community composition.

The change in sediment cover must not exceed 10%.

The concentration of dissolved oxygen in water shall exceed 80% of saturation concentration.

There shall be no bacterial or fungal slime growths visible to the naked eye as obvious plumose growths or mats. Note that this standard also applies to within the zone of reasonable mixing for a discharge.

When lake inflows are below their median values, the Secchi depth clarity of the water shall not be less than 1.5 metres, except where the water is naturally low in clarity as a result of high concentrations of tannins, in which case the natural colour and clarity shall not be altered.

The concentration of total ammonia shall not exceed the values specified in Table 1 “Ammonia standards for Lowland and Hill surface water bodies”.

The concentration of faecal coliforms shall not exceed 1,000 coliforms per 100 millilitres, except for popular bathing sites, defined in Appendix G “Popular Bathing Sites”, where the concentration of *Escherichia coli* shall not exceed 130 *E. coli* per 100 millilitres.

The concentration of chlorophyll a shall not exceed 5 milligrams per cubic metre.

Fish shall not be rendered unsuitable for human consumption by the presence of contaminants.

**Surface water bodies classified as “Hill Lakes and Wetlands”**

The temperature of the water shall not exceed 23°C the daily maximum ambient water temperature shall not be increased by more than 3°C when the natural or existing water temperature is 16°C or less, as a result of any discharge. If the natural or existing water temperature is above 16°C, the natural or existing water temperature shall not be exceeded by more than 1°C as a result of any discharge.

The pH of the water shall be within the range 6.5 to 9, and there shall be no pH change in water due to a discharge that results in a loss of biological diversity or a change in community composition.

The change in sediment cover must not exceed 10%.

The concentration of dissolved oxygen in water shall exceed 80% of saturation concentration.

There shall be no bacterial or fungal slime growths visible to the naked eye as obvious plumose growths or mats. Note that this standard also applies to within the zone of reasonable mixing for a discharge.

When lake inflows are below their median values, the Secchi depth clarity of the water shall not be less than 5 metres.

The concentration of total ammonia shall not exceed the values specified in Table 1 “Ammonia standards for Lowland and Hill surface water bodies”.

The concentration of faecal coliforms shall not exceed 130 E. coli per 100 millilitres.

Biomass shall not exceed 35 grams per square metre for filamentous algae.

The concentration of chlorophyll a shall not exceed 5 milligrams per cubic metre.

Fish shall not be rendered unsuitable for human consumption by the presence of contaminants.

**Surface water bodies classified as “Mountain Lakes and Wetlands”**

The temperature of the water

- shall not exceed 21°C
- the daily maximum ambient water temperature shall not be increased by more than 3°C when the natural or existing water temperature is 16°C or less, as a result of any discharge. If the natural or existing water temperature is above 16°C, the natural or existing water temperature shall not be exceeded by more than 1°C as a result of any discharge.

The pH of the water shall be within the range 6.5 to 9, and there shall be no pH change in water due to a discharge that results in a loss of biological diversity or a change in community composition.

The change in sediment cover must not exceed 10%.

The concentration of dissolved oxygen in water shall exceed 99% of saturation concentration.

There shall be no bacterial or fungal slime growths visible to the naked eye as obvious plumose growths or mats. Note that this standard also applies to within the zone of reasonable mixing for a discharge.

The natural colour and clarity of the waters must not be changed to a conspicuous extent.

When lake inflows are below their median values, the Secchi depth clarity of the water shall not be less than 10 metres.

The concentration of total ammonia shall not exceed 0.32 milligrams per litre.

The concentration of Escherichia coli shall not exceed 130 E. coli per 100 millilitres in any sample.

The concentration of chlorophyll a shall not exceed 2 milligrams per cubic metre.

Fish shall not be rendered unsuitable for human consumption by the presence of contaminants.

#### **Surface water bodies classified as “Mataura 1”**

The Protected Waters between map references NZMS 260 F45:967-503 to F45:963-508 (Mataura River).

Any discharge is to be substantially free from suspended solids, grease and oil.

The daily maximum ambient water temperature shall not be increased by more than 3°C when the natural or existing water temperature is 16°C or less, as a result of any discharge. If the natural or existing water temperature is above 16°C, the natural or existing water temperature shall not be exceeded by more than 1°C as a result of any discharge.

The pH of the water must be within the range 6 to 8.5, except when due to natural causes.

The waters must not be tainted so as to make them unpalatable, nor must they contain toxic substances to the extent that they are unsafe for consumption by humans or farm animals, nor must they emit objectionable odours.

There shall be no bacterial or fungal slime growths visible to the naked eye as obvious plumose growths or mats. Note that this standard also applies to within the zone of reasonable mixing for a discharge.

There must not be any destruction of natural aquatic life by reason of a concentration of toxic substances.

~~The natural colour and clarity of the waters must not be changed to a conspicuous extent. There shall be no more than a 20% change in clarity or colour at the edge of the reasonable mixing zone, relative to the clarity or colour upstream of the discharge point.~~

The change in fine sediment (<2mm diameter) bed cover must not exceed 10%.

The oxygen concentration in solution in the waters must not be reduced below 6 milligrams per litre.

Based on no fewer than five samples taken over not more than a 30-day period, the median value of the faecal coliform bacteria content of the water must not exceed 2000 per 100 millilitres and the median value of the total coliform bacteria content of the water must not exceed 10,000 per 100 millilitres.

The Macroinvertebrate Community Index shall exceed a score of 120, 100 and 90 as the river progresses from mountain, hill to lowland hard bed. The Quantitative Macroinvertebrate Community Index shall exceed a score of 7.5, 5.5 and 4.5 as the river progresses from mountain, hill to lowland hard bed.

Fish shall not be rendered unsuitable for human consumption by the presence of contaminants.

### **Surface water bodies classified as “Mataura 2”**

The Protected Waters between map references NZMS 260 F45:894-581 to F45:885-584 (Mataura River) and NZMS 260 F46:917-391 to F46:924-396 (Mataura River).

Any discharge is to be substantially free from suspended solids, grease and oil.

The natural water temperature must not be changed by more than 3°C when the natural or existing water temperature is 16°C or less, as a result of a discharge. If the natural or existing water temperature is above 16°C, the natural or existing water temperature shall not be exceeded by more than 1°C as a result of any discharge.

The pH of the water must be within the range 6.5 to 8.3, except when due to natural causes.

The waters must not be tainted so as to make them unpalatable, nor must they contain toxic substances to the extent that they are unsafe for consumption by humans or farm animals, nor must they emit objectionable odours.

There shall be no bacterial or fungal slime growths visible to the naked eye as obvious plumose growths or mats. Note that this standard also applies to within the zone of reasonable mixing for a discharge.

There must not be any destruction of natural aquatic life by reason of a concentration of toxic substances.

The natural colour and clarity of the waters must not be changed to a conspicuous extent. There shall be no more than a 20% change in clarity or colour at the edge of the reasonable mixing zone, relative to the clarity or colour upstream of the discharge point.

The change in fine sediment (<2mm diameter) bed cover must not exceed 10%.

The oxygen concentration in solution in the waters must not be reduced below 6 milligrams per litre.

Based on no fewer than five samples taken over not more than a 30-day period, the median value of the faecal coliform bacteria content of the water must not exceed 200 per 100 millilitres.

The Macroinvertebrate Community Index shall exceed a score of 120, 100 and 90 as the river progresses from mountain, hill to lowland hard bed. The Quantitative Macroinvertebrate Community Index shall exceed a score of 7.5, 5.5 and 4.5 as the river progresses from mountain, hill to lowland hard bed.

Fish shall not be rendered unsuitable for human consumption by the presence of contaminants.

### **Surface water bodies Classified as “Mataura 3”**

The Protected Waters other than those parts classified as Mataura 1 and Mataura 2.

Any discharge is to be substantially free from suspended solids, grease and oil.

The daily maximum ambient water temperature shall not be increased by more than 3°C when the natural or existing water temperature is 16°C or less, as a result of any discharge. If the natural or existing water temperature is above 16°C, the natural or existing water temperature shall not be exceeded by more than 1°C as a result of any discharge.

The pH of the water must be within the range 6 to 9, except when due to natural causes.

The waters must not be tainted so as to make them unpalatable, nor must they contain toxic substances to the extent that they are unsafe for consumption by humans or farm animals, nor must they emit objectionable odours.

There shall be no bacterial or fungal slime growths visible to the naked eye as obvious plumose growths or mats. Note that this standard also applies to within the zone of reasonable mixing for a discharge.

There must not be any destruction of natural aquatic life by reason of a concentration of toxic substances.

~~The natural colour and clarity of the waters must not be changed to a conspicuous extent. There shall be no more than a 20% change in clarity or colour at the edge of the reasonable mixing zone, relative to the clarity or colour upstream of the discharge point.~~

The change in fine sediment (<2mm diameter) bed cover must not exceed 10%.

The oxygen concentration in solution in the waters must not be reduced below 5 milligrams per litre.

The concentration of faecal coliforms shall not exceed 1,000 coliforms per 100 millilitres, except for popular bathing sites, defined in Appendix G “Popular Bathing Sites” and within 1 km immediately upstream of these sites, where the concentration of Escherichia coli shall not exceed 130 E. coli per 100 millilitres.



The Macroinvertebrate Community Index shall exceed a score of 120, 100 and 90 as the river progresses from mountain, hill to lowland hard bed. The Quantitative Macroinvertebrate Community Index shall exceed a score of 7.5, 5.5 and 4.5 as the river progresses from mountain, hill to lowland hard bed.

Fish shall not be rendered unsuitable for human consumption by the presence of contaminants.

**Table 1 “Ammonia standards for Lowland and Hill surface water bodies”**

<b>Total Ammoniacal Nitrogen in mg/m<sup>3</sup> at different pH</b>	
<b>pH</b>	<b>NH<sub>4</sub><sup>+</sup>-N + NH<sub>3</sub>-N mg/m<sup>3</sup></b>
6.0	2570
6.1	2555
6.2	2540
6.3	2520
6.4	2490
6.5	2460
6.6	2430
6.7	2380
6.8	2330
6.9	2260
7.0	2180
7.1	2090
7.2	1990
7.3	1880
7.4	1750
7.5	1610
7.6	1470
7.7	1320
7.8	1180
7.9	1030
8.0	900
8.1	780
8.2	660
8.3	560
8.4	480
8.5	400
8.6	340
8.7	290
8.8	240
8.9	210
9.0	180

### **References**

- Australian and New Zealand Environment and Conservation Council 2000. *Australian and New Zealand guidelines for fresh and marine water quality.*
- Burns, N., Bryers, G., and Bowman, E. 2000. *Protocol for monitoring trophic levels of New Zealand lakes and reservoirs.* Prepared for the Ministry for the Environment.
- Stark, J.D., Boothroyd, I.K.G., Harding, J.S., Maxted, J.R. and Scarsbrook, M.R. 2001. *Protocols for sampling macroinvertebraes in wadeable streams.* New

*Zealand Macroinvertebrate Working Group Report No. 1.* Prepared for the Ministry for the Environment.

## Sub-Topic B3 – Wetlands

### Key:

Black text = Decisions Version of pSWLP

Blue underline and ~~strike-out~~ = changes agreed and sought by Consent Order

Red underline and ~~strike-out~~ = further changes suggested by Lauren Maciaszek

### Policy 32 – Protect significant indigenous vegetation and habitat

Protect significant indigenous vegetation and significant habitats of indigenous fauna and maintain indigenous biodiversity associated with natural wetlands, lakes and rivers and their margins.

### Rule 51 – Minor diversions of water

- (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:
- (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:
    - (a1) the general conditions set out in Rule 55A other than conditions (i), (j) and (k) of that Rule;
  - (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);
  - (iii) the water is returned to its original course after completion of the activity, no later than one month after the diversion occurs;
  - (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;
  - (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
  - (v) the diversion does not result in a net loss of water from the catchment.
- (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:
- (i) the diversion and associated discharge does not cause erosion or deposition;
  - (ii) the diversion does not cause flooding of downstream or adjacent properties; and (iii) the diversion of water is not from a Regionally Significant Wetland or Sensitive Water Body identified in Appendix A or any natural wetland.

- (c) Notwithstanding any other rule in this Plan, the diversion of water at the mouth of:
- (i) a drain known as the North Drain on the Tiwai Peninsula, at about Map Reference NZTopo50 CG10 463 308;<sup>4</sup> or
  - (ii) a drain known as the West Drain on the Tiwai Peninsula, at about Map Reference NZTopo50 CG10 457 302;<sup>5</sup> or
  - (iii) a drain known as the South Drain on the Tiwai Peninsula, at about Map Reference NZTopo50 CH10 456 298<sup>6</sup>

is a permitted activity provided the following conditions are met:

- (1) the work is carried out under the direct control of the body or person responsible for the maintenance of the drain;
  - (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;
  - (3) the diversion is constructed at right angles to the line of the beach;
  - (4) any excavated spoil is removed from the site and legally disposed of or spread over non-vegetated areas adjacent to the diversion;
  - (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
  - (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.
- (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.
- (e) The diversion of water from a natural wetland for the purpose of land drainage is a non-complying activity.

**Note:** *In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S. Due to the high concentration of recorded archaeological sites in the vicinity of the above sites, it is possible that works will require an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014. No work (even if*

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<sup>4</sup> The equivalent NZTM2000 coordinates are 1246300 mE 4830800 mN

<sup>5</sup> The equivalent NZTM2000 coordinates are 1245700 mE 4830200 mN

<sup>6</sup> The equivalent NZTM2000 coordinates are 1245600 mE 4829800 mN

*permitted under the rule or authorised by resource consent) should commence without first contacting Heritage New Zealand.*

#### **Rule 74 - Wetlands**

(a) The use of land within a wetland for the purposes of:

- (i) maintaining or enhancing the wetland, or
- (ii) maintaining existing authorised structures within the wetland; or
- (iii) removing plant matter for the purpose of mahinga kai undertaken in accordance with Tikanga Māori;

is a permitted activity provided the following conditions are met:

- (1) there is no destruction or removal of any indigenous vegetation from any natural wetland, unless the activity is for the purpose of mahinga kai undertaken in accordance with Tikanga Māori;
- (2) there is no reduction in the size of the wetland;
- (3) there is no flooding or ponding caused on any land owned or occupied by another person; and
- (4) there is no establishment of pest plant species that:
  - (A) are listed in the Regional Pest Management Strategy for Southland 2013 or any replacement plan prepared under the Biosecurity Act, or Biosecurity NZ Register of Unwanted Organisms, in circumstances where the planting of those pest plant species is restricted under the Biosecurity Act; or
  - (B) may damage existing biodiversity values of the wetland; or
  - (C) will form the dominant vegetation type in the wetland.

~~(ab) The use of land within a wetland for commercial peat harvesting is a discretionary activity provided the following conditions are met:~~

- ~~(i) the applicant can show, by way of aerial photographs or other documentary evidence, that a commercial peat harvesting operation occurred within the wetland at some time during the period between 30 June 2006 and 30 June 2016; and~~
- ~~(ii) there is no establishment of pest plant species that:
 
  - ~~(1) are listed in the Regional Pest Management Strategy for Southland 2013 or any replacement plan prepared under the Biosecurity Act, or Biosecurity NZ Register of Unwanted Organisms, in circumstances where the planting of those pest plant species is restricted under the Biosecurity Act; or~~
  - ~~(2) may damage existing biodiversity values of the wetland; or~~
  - ~~(3) will form the dominant vegetation type in the wetland.~~~~

- (b) The use of land within a wetland (excluding a natural wetland) that is for one or more of the purposes listed in Rule 74(a) but which does not comply with the conditions of Rule 74(a), or the use of land within a wetland that is not a natural wetland that is not for one or more of the purposes listed in Rule 74(a), is a discretionary activity.
- (c) The use of land within a natural wetland that is not for one or more of the purposes listed in Rule 74(a) ~~or 74(ab)~~ is a non-complying activity.

### **Appendix A – Regionally Significant Wetlands and Sensitive Water Bodies in Southland**

Locations of the wetlands and water bodies listed in this Appendix can be found in Map Series 7: Regionally Significant Wetlands and Sensitive Water Bodies.

Awarua Plains - Southland Estuaries including:

Waituna Scientific Reserve

Seaward Moss

Wetlands adjoining Awarua Bay

Wetlands adjoining Bluff Harbour

Wetlands adjoining New River Estuary

Fortrose Harbour (including lower Mataura River)

Balloon Loop oxbow lake

Bayswater Bog

Big Bay – Waiuna

Big Lagoon

Blue Bottle Peatland

Bog Lake (and adjacent wetlands)

Borland Mire

Borland Saddle-Mt Burns

Braxton Burn Bog

Brydone West tussockland

Campbell's Creek Wetlands

Castle Downs (Hamilton Burn)

Chocolate Swamp – Dean Forest

College Stream Swamp

Cross Road Swamp

Dale Bog Pine Wetland

Dawson City/Mt Prospect Wetlands

Deer Flat Wetland

Downs Road North tussockland

Downs Road tussockland

Drummond Peat Swamp (Isla Bank)

Dunearn Wetland

Ewe Burn Wetlands

Feldwick Wetlands

Ferry Road/Oreti Beach lagoon

Fiordland National Park (World Heritage site) including:

Back Valley

Grebe Valley

Lower Hollyford

Sutherland Sound

Five Mile Swamp (wetland in ancient Lake Wakatipu lake outlet)

Freshwater Valley including:

Freshwater Flats

Ruggedy Flat

The following wetlands in the Garvie Mountains:

Blue Lake Wetland

Gow Lake Wetland

Scott Lake Wetland

Glenary Station Alpine Wetlands

Grove Bush peatlands

Haldane Estuary and Reservoir

Henry Creek Wetland

Hindley Burn Wetland

Hokonui South-East peatland

Jacobs River Estuary

Lake George

Lake Hauroko Wetland

[Lake Manapōuri](#)

Lake Mistletoe

Lake Murihiku

[Lake Te Anau](#)

Lake Thomas and wetland

Lake Vincent, near Fortrose

Lake Brunton, Otago

[Lakes on Stewart Island](#)

Lookout Hill Wetland

Lower Hodgkinson Road peatland

Makarewa peatland

Martins Bay Wetlands

Mavora Lakes (and associated wetlands)

Morley Stream Wetland

Mount Tennyson string bog

[New River Estuary](#)

Old Man Swamp

Oreti Beach coastal turf/wetland



Oreti Beach gravel pits

Pebbly Hills Swamp

Pleasant Bay Wetland

Pukerau Red Tussock Scientific Reserve

Pyke Valley (including Lake Alabaster and Lake Wilmot)

Rainbow Reach oxbow lake

Rakehua Valley Wetlands

Ramparts Scenic Reserve

Redcliff Reserve

Retford Stream Wetland

Sharp Ridge Wetland

So Big Swamp

Silver Lagoon

Sinclair Road Wetlands

Southdowns Swamp

Spurhead Swamp

Table Hill

Taramoa peatland

Taylor Road Wetland

Te Anau Basin wetland complex including:

Kepler Mire

Dome Mire - Dismal Swamp

Dunton Swamp

Tekaro Wetland

Amoeboid Swamp

Kākāpō Swamp

Snowdon Forest

Dale Lake

Lake Luxmore

Lagoon Creek

Te Anau Downs Wetland

[The Reservoir \(lake\)](#)

Thornbury peatland

Toetoes Flats

Toitoti Flat

Transit Valley Wetlands

Waiau River - Te Waewae Lagoon

Waiau Terrace Wetland

Waiau Valley/Borland Burn Wetlands

Waihopai River rushland

Waikawa Estuary

Waimatuku Estuary

Waimatuku Wetland

Waipapa Beach dune slack wetlands

Wairaki Lagoon (Waiau River)

[Waituna Lagoon](#)

Wash Creek Wetland

Waterloo Burn wetlands (Aparima River)

Weydon Burn

Wrights Bush peatland

Waiau River from Lake Manapōuri to Mararoa Weir

**Note 1:** For wetlands, this appendix only identifies those which ~~are~~ [have been formally assessed and found to be](#) of regional significance. There are also

*rules in this plan that manage activities in relation to all wetlands, not only those identified in this appendix.*

**Note 2:** *A plan change process may identify additional wetlands to be included in this appendix.*

## Sub-Topic B4 – Bed disturbance activities

### Key:

Black text = Decisions Version of pSWLP

Blue underline and ~~strike-out~~ = changes agreed and sought by Consent Order  
 Black underline and ~~strike-out~~ = additional changes agreed through the Planning JWS

Red underline and ~~strike-out~~ = further changes suggested by Matthew McCallum-Clark

### Policy 28 – Structures and bed disturbance activities of rivers (including modified watercourses) and lakes

(a) Except where policy 28b applies, - mManage structures, bed disturbance activities and associated discharges in the beds and margins of lakes, rivers and modified watercourses, to avoid, where reasonably practicable, or otherwise remedy or mitigate adverse effects on:

1. water quality and quantity;
2. habitats, ecosystems and fish passage;
3. indigenous biological diversity;
5. the spiritual and cultural values and beliefs of the tangata whenua;
6. mātaītai and taiāpure;
7. public access (except in circumstances where public health and safety are at risk) and amenity values;
8. natural character values and outstanding natural features;
9. river morphology and dynamics, including erosion and sedimentation;
10. flood risk;
11. infrastructural assets;
12. navigational safety;
13. landscape values; and
14. historic heritage values.

(b) The loss of river extent and values is avoided, unless the Southland Regional Council is satisfied:

- (i) that there is a functional need for the activity in that location; and
- (ii) that the effects of the activity are managed by applying the effects management hierarchy<sup>7</sup>

### Policy 29 – Provide for the extraction of gravel

Recognise the value of gravel and provide for its extraction to meet the social, economic and cultural needs of the community in a way that:

- (a) avoids, remedies or mitigates adverse effects on land, groundwater quality, rivers and their margins, and recreational values and;
- (b) for river bed based extractions:

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<sup>7</sup> As defined in the NPS-FM (2020)

1. ~~for river based extractions, requires the restoration of~~ aquatic, riverine and riparian habitat is restored or enhanced once the<sup>8</sup> gravel extraction activity has ceased;
2. results in no long-term net loss of habitat in the river channel, bed or floodplain;
- 2a. ensures that the rate and volume of gravel extraction is sustainable;
3. ensures no degradation of flood protection and erosion control infrastructure and the integrity of physical resources;
4. does not adversely affect the Ngāi Tahu cultural values and interests associated with the land or river, including taonga species habitat, mahinga kai, mātaītai and taiāpure;<sup>9</sup>
- ~~5. results in no long-term adverse effects on recreational values;~~ and
6. maintains public access (except in circumstances where public health and safety are at risk);
7. protects historic heritage values; and
8. protects areas of significant indigenous vegetation and significant indigenous fauna.

### Policy 30 – Drainage maintenance

In recognition of the community benefits of maintaining flood conveyance capacity and land drainage, ensure that drainage maintenance activities within artificial watercourses and the beds of modified watercourses and their margins are managed in a way that ~~either~~:

1. avoids, where reasonably practicable, or otherwise remedies or mitigates, ~~significant~~ adverse effects on the aquatic environment; ~~or, and riparian habitat in modified watercourses and significant adverse effects on aquatic and riparian habitat in artificial watercourses; or~~
2. maintains or enhances habitat value, including fish passage, gravel spawning habitat and bank stability;
3. In addition to 1 or 2, minimises the quantity of sediment released from drainage maintenance activities.

### Rule 73 – Gravel extraction

*Note: In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.*

- (a) The excavation or disturbance of the bed of a lake, river or modified watercourse for the purpose of extracting gravel or aggregate (except where the extraction of gravel or aggregate is associated with the maintenance of structures which is otherwise authorised under Rule 66) is

<sup>8</sup> Note that there was a typographical error in the mediation agreement which meant this “the” was missing from the agreed wording (but is included in the decisions version wording). Accordingly, we have shown it as deleted.

<sup>9</sup> Mātaītai and taiāpure are defined in the Introduction to the Plan on page 10.

a restricted discretionary activity provided the following conditions are met:

- (ai) the general conditions set out in Rule 55A other than conditions (i), (j) and (k) of that Rule;
- (i) the quantity of gravel removed is less than 120 cubic metres per year;
- (ii) there is no extraction from flowing water; and
- (iii) the area is left level and tidy on completion of the activity.

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

1. the quantity of material extracted and location of the extraction; and
2. any effects on infrastructure, river morphology and dynamics (including erosion or deposition), aquatic and riverine ecosystems and habitat, taonga species, natural character and amenity values, navigation hazard, public access, recreation values and the spiritual and cultural values and beliefs of the tangata whenua.

~~*Note: In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.*~~

- (b) The excavation or disturbance of the bed of a lake, river or modified watercourse for the purpose of extracting gravel or aggregate (except where the extraction of gravel is associated with the maintenance of structures which is otherwise authorised under Rule 66) for flood or erosion control or the protection of infrastructure is a restricted discretionary activity provided the following conditions are met:
  - (ai) the general conditions set out in Rule 55A other than conditions (i), (j) and (k) of that Rule.

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

1. the quantity of material extracted and location of the extraction; and
2. the design of the works ~~and the quantity of material extracted~~; and
3. any effects on infrastructure, flood risk, river morphology and dynamics (including erosion or deposition), aquatic and riverine ecosystems and habitat, taonga species, natural character, navigation hazard, public access, recreational values and the spiritual and cultural values and beliefs of the tangata whenua.

~~*Note: In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.*~~

- (c) The excavation or disturbance of the bed of a lake, river or modified watercourse for the purpose of extracting gravel or aggregate (except where the extraction of gravel is associated with the maintenance of structures which is otherwise authorised under Rule 66) that cannot meet the conditions in Rules 73(a) or 73(b) and is a discretionary activity.

## Rule 78 – Weed and sediment removal for drainage maintenance

*Note: In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.*

- (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:
- (ai) general conditions (e), (f), (g), (h) and (l) set out in Rule 55A;
  - (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;
  - (ii) the activity is restricted to the removal of aquatic weeds and plants or sediment deposits, provided that at least 95% of the sediment removed shall have a grain size of less than 2mm;
  - (iia) the removal of river bed material other than aquatic weeds, plants, mud or silt is avoided as far as practicable;
  - (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;
  - (iv) upon completion of the activity, fish passage is not impeded as a result of the activity;
  - (v) the operator takes all reasonable steps to return any fish captured or stranded by the activity to water immediately preferably to a location upstream of the activity ;
  - (vi) between the beginning of June and the end of October, there is no disturbance of the spawning habitat of trout; and
  - (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; and
  - (xiv) the modified watercourse is not shown in Map Series 8 as a habitat of threatened non-diadromous galaxias.
- (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.

~~*Note: In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.*~~

*[Insert Maps based on mapping provided by the Director-General]*

## Sub-Topic B5 - Farming

### Key:

Black text = Decisions Version of pSWLP

Blue underline and ~~strike-out~~ = changes agreed through the Consent Orders

Black underline and ~~strike-out~~ = changes agreed in the Planning JWS

Red underline and ~~strike-out~~ = further changes suggested by Matthew McCallum-Clark

### Policy 16

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) discouraging 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~~
  - ~~(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 generally not be granted where:~~
    - ~~(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 or mitigated; or~~
    - ~~(ii) existing water quality is already degraded to the point of being overallocated; or~~
    - ~~(iii) water quality does not meet the Appendix E Water Quality Standards or bed sediments do not meet the Appendix G ANZECC sediment guidelines; and~~
  - ~~(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:~~
    - ~~(i) will generally not be granted where freshwater objectives are not being met; and~~
    - ~~(ii) where freshwater objectives are being met, will generally not be granted unless the proposed activity (allowing for any offsetting effects) will maintain the overall quality of groundwater and water in lakes, rivers, artificial watercourses, modified watercourses, wetlands, tidal estuaries and salt marshes.~~
  - (b) ensuring that, ~~for~~ existing farming activities:
    - (i) ~~minimise~~ nitrogen, phosphorus, sediment and microbial contaminant discharges ~~are minimised~~;
    - (ii) ~~reduce adverse effects on water quality where the farming activity occurs within the catchment of a waterbody that requires improvement identified in Schedule X; and~~
    - (iii) ~~demonstrate how (i) and (ii) is being or will be achieved through the implementation of Farm Environmental~~



- Management Plans prepared in accordance with (c) below and in addition,
- (ba) ensuring that ~~for~~ the establishment of new, or further intensification of existing, dairy farming of cows or intensive winter grazing activities:
- (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
  - (iv) is avoided in close proximity to Regionally Significant Wetlands and Sensitive Water bodies identified in Appendix A; and
- (c)2- requiring all farming activities, including existing activities, to:
- ~~(i)~~ be undertaken in accordance with ~~implement a Farm Environmental Management Plan, as set out in Appendix N;~~ ~~that which:~~
    - (1) identifies whether the farming activity is occurring, or would occur, in a catchment of a waterbody that requires improvement identified in Schedule X;
    - (2) identifies and responds to the contaminant pathways (and variants) for the relevant Physiographic Zones;
    - (3) sets out how adverse effects on water quality from the discharge of contaminants from farming activities will be minimised or, where the farming activity is occurring in a catchment of a waterbody that requires improvement identified in Schedule X, reduced;
    - (4) is certified as meeting all relevant requirements of this plan and regulation ~~prepared~~ under Part 9A of the RMA; and
    - (5) is independently audited and reported on;
  - ~~(ii)(b)~~ actively manage ~~avoid where practicable, otherwise minimise~~ sediment run-off risk from farming and hill country development activities by identifying critical source areas and implementing actions and maintaining 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
  - ~~(iii)(c)~~ manage ~~avoid where practicable, otherwise minimise~~ collected and diffuse run-off and leaching of nutrients, microbial contaminants and sediment through the identification and management of critical source areas and the contaminant pathways identified for the relevant Physiographic Zones (and variants) within individual properties.
- 2.3- When considering a resource consent application for farming activities, consideration should be given to the following matters:
- (a) whether multiple farming activities (such as cultivation, riparian setbacks, and winter grazing) can be addressed in a single resource consent; and
  - (b) granting a consent duration of at least 5 years where doing so is consistent with Policy 40.

Minimise means to reduce to the smallest amount reasonably practicable.

### Policy 18

Reduce ~~Avoid~~ where practicable, or otherwise remedy or mitigate, any adverse effects from the discharge of sedimentation and or microbial contamination of contaminants to water bodies and improve river (excluding ephemeral rivers) and riparian ecosystems and habitats by:

1. requiring progressive exclusion of all stock, except sheep, from lakes, rivers (excluding ephemeral rivers), natural wetlands, artificial watercourses, and modified watercourses on land with a slope of less than 15 degrees by 2030;
- 2a. requiring the management of sheep in critical source areas and in those catchments where *E.coli* levels could preclude contact recreation;
3. encouraging the establishment, maintenance and enhancement of healthy vegetative cover in riparian areas, particularly through use of indigenous vegetation; and
4. ensuring that stock access to lakes, rivers (excluding ephemeral rivers), natural wetlands, artificial watercourses and modified watercourses is managed in a manner that avoids ~~significant~~ adverse effects on water quality, bed and bank integrity and stability, mahinga kai, and river aquatic and riparian ecosystems and habitats; and
5. showing, in a Farm Environmental Management Plan prepared and implemented in accordance with Appendix N, how 1-4 will be achieved and by when.

### Rule 20

- ~~(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 prepared, certified, and implemented and audited in accordance with Appendix N; and
    - ~~(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 prepared, certified, and implemented and audited in accordance with Appendix N.~~
- (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 prepared certified, and implemented and audited in accordance with Appendix N; and~~
- ~~(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~~
- ~~(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.~~
- The Southland Regional Council will restrict its discretion to the following matters:
1. the quality of and compliance with 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 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**

- (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<sup>10</sup>
  - (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, mātaītai 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 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
    - (3) transportable water troughs; and
  - (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; 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:

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<sup>10</sup> This clause was not unanimously agreed in the Planning JWS.

1. the quality of and compliance with Appendix N and the Farm Environmental Management Plan for the landholding;
  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 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 25**

- (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) 5 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) 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 between 10 and 20 degrees;
  - ~~(iii)~~(iv) cultivation does not occur on land with a slope greater than 20 degrees;<sup>64</sup>; and
  - ~~(iv)~~(iii) cultivation does not occur at an altitude greater than 800 metres above mean sea level; and
  - (v) critical source areas are not cultivated when forage crops used for intensive winter grazing 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 5 3 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, 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.<sup>11</sup>~~
- (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.
  - 2a. 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

- (a) The use of land for a feed pad/lot is a permitted activity provided the following conditions are met:
- (i) ~~if accommodating cattle or deer, each feed pad/lot services no more than 120 adult cattle, or 250 adult deer, or equivalent numbers of young stock at any one time;~~
  - ~~(ii) animals do not remain on the feed pad/lot for longer than three continuous months;~~
  - (iii) the feed pad/lot is not located:
    - (1) within 50 metres from the nearest sub-surface drain, lake, river ~~(excluding ephemeral rivers)~~, artificial watercourse, modified watercourse, natural wetland, or the coastal marine area ~~or another feed pad/lot on the same landholding;~~ or
    - (2) within a microbial health protection zone of a drinking water supply site identified in Appendix J, or where no such zone is

<sup>11</sup> These clauses were not unanimously agreed in the Planning JWS.

- identified, then within 250 metres of the abstraction point of a drinking water supply site identified in Appendix J; or
- (3) within 200 metres of a place of general assembly or dwelling not located on the same landholding, or
  - (4) within 20 metres of the boundary of any other landholding; or
  - (5) within a critical source area;
- (iv) the feed pad/lot is constructed with:
- (1) a sealed and impermeable base and any liquid animal effluent or stormwater containing animal effluent discharging from the feed pad/lot is collected in a sealed animal effluent storage system authorised under Rule 32B or Rule 32D; or
  - (2) a minimum depth of 500 millimetres of wood-based material (bark, sawdust or chip) across the base of the feed pad/lot; and
- (v) any material scraped from the feed pad/lot, including solid animal effluent, is collected and if applied to land is applied in accordance with Rule 38; and
- (vi) the overland flow of stormwater or surface runoff from surrounding land is prevented from entering the feed pad/lot.
- (b) The use of land for a feed pad/lot that does not meet one or more of the conditions of Rule 35A(a) is a discretionary activity.

### **Rule 35B**

- (a) The use of land for a sacrifice paddock is a permitted activity provided the following conditions are met:
- (i) animals do not remain on the sacrifice paddock for longer than 60 days in any six month period;
  - (ii) the slope of land that is used for a sacrifice paddock must be 10 degrees or less; and
  - (iii) sacrifice paddocks do not occur on more than 1% or 30 hectares of landholding in any year (whichever is the lesser); and
  - (iv) livestock must be kept at least 50 metres from:
    - (1) any nohoanga listed in Appendix B, mātaimai reserve, taiāpure, estuary or the coastal marine area; and
    - (2) the bed of any river, lake, artificial watercourse (regardless of whether there is any water in it at the time), modified water course or natural wetland; and
  - (v) critical source areas within the area being used as a sacrifice paddock must:
    - (1) be identified in the Farm Environmental Management Plan; and
    - (2) have stock excluded from them; and
  - (vi) the land that is used as a sacrifice paddock must be replanted as soon as practicable after livestock have been removed from the paddock; and
  - (vii) a Farm Environmental Management Plan for the landholding is prepared and implemented in accordance with Appendix N; and
  - (viii) no part of the sacrifice paddock is located on land with an altitude greater than 800 metres above mean sea level.
- (b) The use of land for a sacrifice paddock that does not meet one or more of the conditions of Rule 35B(a) is a discretionary activity.



**Rule 70**

- (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 ephemeral flow paths), ~~(including an ephemeral river)~~, modified watercourse, or natural wetland by stock including cattle, deer, pigs or sheep is a prohibited activity.
- (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.
- (c) The disturbance of the bed of a river ~~(excluding ephemeral rivers where stock access is permitted under Rule 20(aa))~~ or modified watercourse 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.
- (ca) The disturbance of the bed of a lake, river or modified watercourse by sheep, other than as regulated by Rule 70(a) and 70(b), is a permitted activity, provided the following conditions are met:
- (i) the waterbody is not already fenced to prevent sheep access;
- (ii) the sheep are not being break fed or intensively winter grazed;
- (iii) there is no significant de-vegetation leading to exposure of soil of the bed and banks, pugging or alteration to the profile of the bed and banks, other than at fords or stock crossings; and
- (iv) a Farm Environmental Management Plan for the landholding is prepared, certified, implemented and audited in accordance with Appendix N, and shows how access by sheep will be managed;
- (cb) The use of land within a natural wetland or the disturbance of the bed of a water body within a natural wetland for access or grazing by stock is a non-complying activity.<sup>12</sup>
- (d) Bed disturbance activities that do not comply with Rule 70(c) are a non-complying activity.
- (e) Other than as provided for by Rules 70(c), 70(ca) 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.

**Table 1: Timetable for stock exclusion from water bodies**

Farm/stock type	Land slope (as classified by the LRI slope dataset)		
	Plains (0-3°)	Undulating/rolling land (>3-15°)	Steeper land (>15° and over)
Dairy cattle (on dairy platforms) and pigs	All water bodies <u>(including open 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>		
Dairy support <del>on either land</del>	All water bodies, <u>and</u>	All water bodies, <u>and open drains</u> over 1	All water bodies, <u>and</u>

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These clauses were not unanimously agreed in the Planning JWS.

owned/leased by the dairy farmer or third party land)	<u>open drains</u> from 1 July 2022	metre wide from 1 July 2022	<u>open drains</u> where break feeding occurs from 1 July 2022
Beef cattle and deer	All water bodies <u>(including open drains)</u> from 1 July 2025	All water bodies <u>(including open drains)</u> over 1 metre wide from 1 July 2030, unless the average stocking rate on the land directly adjacent to the water body is less than 6 stock units per hectare	
	All water bodies <u>(including open drains)</u> where break feeding <u>or supplementary feeding</u> occurs from 1 July 2022.		

### Critical source area

- (a) a landscape feature like a gully, swale or a depression (including ephemeral flow paths) that accumulates runoff (sediment and nutrients) from adjacent flats and slopes, and delivers it to surface water bodies (including lakes, rivers, artificial watercourses and modified watercourses) or subsurface drainage systems; ~~and~~
- ~~(b) a non-landscape feature that has high levels of contaminant losses, such as; silage pits, fertiliser storage areas, stock camps and laneways.~~
- ~~(b) areas which arise through land use activities and management approaches (including cultivation and winter grazing) which result in contaminants being discharged from the activity and being delivered to surface water bodies.~~

### Cultivation

Preparing land for growing pasture or a crop by mechanical tillage, direct drilling, herbicide spraying, or herbicide spraying followed by over-sowing for pasture or forage crops (colloquially referred to as 'spray and pray'), but excludes: ~~excluding any~~

- a. herbicide spraying undertaken solely for the control of pest plant species;
- b. herbicide spraying for the establishment or maintenance of plantation forestry; and
- c. stick raking or slash raking associated with a plantation forest

### Ephemeral rivers

~~Rivers which only contain flowing or standing water following rainfall events or extended periods of above average rainfall.~~

### Feed pad/lot

A fenced in or enclosed area located on production land used for feeding or loafing of cattle or deer to avoid damage to pasture when soils are

saturated, and which can be located either indoors or outdoors. It includes ~~'sacrifice paddocks'~~, wintering pads, stand-off pads, calving pads, loafing pads, and self-feed silage storage facilities.

[Note that this definition was not included in the Planning JWS]

## Appendix N

A Farm Environmental 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.

### Part A – Farm Environmental Management Plans

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 ~~material~~ content 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; and~~
  - ~~(b) reviewed at least once every 12 months by the landholding owner or their agent and the outcome of the review documented; and~~
  - ~~(c) provided to the Southland Regional Council upon request.~~
2. The FEMP contains the following landholding details:
  - (a) physical address; and
  - (b) description of the landholding ownership and the owner's contact details; and
  - (c) legal description(s) of the landholding; and
  - (d) a list of all resource consents held for the landholding and their expiry dates; and
  - (e) The type of farming activities being undertaken on the property, such as "dairy" or "sheep and beef with dairy support".
3. 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 waterbodies; 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 break fed on pasture between 1 June and 31 July, and the slope<sup>1</sup> of the land and intended setbacks from any lake, river, artificial watercourses, modified watercourse or natural wetland and any other critical source areas; and:
    - ~~(i) critical source areas; and~~
    - ~~(ii) intended setbacks from any lake, river (excluding ephemeral or intermittent rivers), artificial watercourses, modified watercourse or natural wetland; and~~
    - ~~(iii) land with a slope greater 20<sup>1</sup> than 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 nutrient loss assessment tool 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

(e3) 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) Irrigation system designs and installation: To ensure that all new irrigation systems and significant upgrades meet Industry best practice standards;
  - (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;
  - (c) Nutrient and soil management: To avoid where practicable, or otherwise minimise, nutrient and sediment losses from farming activities to ground and surface water, to maintain or improve water quality;
  - (d) Waterways and wetland management: To manage activities within waterways, critical source areas, natural wetlands, and their margins, by avoiding stock damage, and avoiding where practicable, or otherwise minimising inputs of nutrients, sediment and faecal contaminants to ground and surface water;
  - (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.
- 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 or and mitigated; and
- (b) where the farm is located within a catchment of a waterbody that requires improvement identified in Schedule X, the mitigations that will achieve a reduction in the discharge of the contaminants where relevant to the farming activity that trigger the requiring improvement status of the catchment (noting that in catchments of waterbodies where aquatic ecosystem health requires improvement, reductions and mitigation required will address nitrogen, phosphorus and sediment losses and the effect of those losses); 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 measuring performance and are achieving the objective;  
and
- (e) identification of any specific mitigation required by a resource consent held for the property.
7. If any Intensive Winter Grazing is occurring on the landholding, the Farm Environmental Management Plan must also include an intensive winter grazing plan that takes into account and responds to the risk pathways for the relevant physiographic zones (and variants).
5. Good Management Practices  
The FEMP contains a good management practices section which identifies:
- (a) the good management practices implemented since 3 June 2016; and
- (b) the good management practices which will be undertaken over the coming 12-month period. These must include practices for:
- (i) the reduction of sediment and nutrient losses from critical source areas, particularly those associated with overland flow;
- (ii) cultivation (including practices such as contour ploughing, strip cultivation or direct drilling);
- (iii) the use of land for intensive winter grazing (including those practices specified in Rule 20(a)(iii);
- (iv) riparian areas (including those from which stock are excluded under Rule 70) and the type of riparian vegetation to be planted, how it will be maintained and how weeds will be controlled;
- (v) minimising of the discharge of contaminants to surface water or groundwater, with particular reference to the contaminant pathways identified for the landholding.
- Examples of general good management practices are provided on the Southland Regional Council, Dairy NZ and Beef and Lamb New Zealand websites and in the document<sup>146</sup> titled “Industry-agreed Good Management Practices relating to water quality, Version 2, 18 September 2015”.

### **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, 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.

<sup>1</sup> Slope is the average slope over any 20 metre distance.

## Sub-Topic B6 – Infrastructure

### Key:

Black text = Decisions Version of pSWLP

Blue underline and ~~strike-out~~ = changes agreed and sought by Consent Order

### Policy 26A – Infrastructure

Recognise and provide for the sustainable and effective development, operation, maintenance and upgrading of regionally significant, nationally significant and critical infrastructure in a way that avoids where practicable, or otherwise remedies or mitigates, adverse effects on the environment.

### Rule 52 – Water abstraction, damming, diversion and use from the Waiau catchment

- (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 discretionary activity provided the following conditions are met:
- (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
  - (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.
- (b) 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 that does not meet the conditions of Rule 52(a) is a non-complying activity.



## Sub-topic B7 - Miscellaneous

### Key:

Black text = Decisions Version of pSWLP

Blue underline and ~~strike-out~~ = changes agreed and sought by Consent Order

### Policy 39 – Application of the permitted baseline

When considering any application for resource consent for the use of land for a farming activity, the Southland Regional Council shall ~~should~~ consider all adverse effects of the proposed activity on water quality, whether or not this Plan permits an activity with that effect.

Advice Note: Nothing in this policy affects the ability of the Council to take into account the effects of activities lawfully occurring at the date an application is made when determining the existing environment.

### Policy 39A

When considering the cumulative effects of land use and discharge activities within whole catchments, consider:

1. how to improve the integrated management of freshwater and the use and development of land including the interactions between freshwater, land and associated ecosystems (including estuaries and the wider coastal area); and
2. through the Freshwater Management Unit process, facilitating the collective management of nutrient losses, including through initiatives such as nutrient user groups and catchment management groups.

### Title of the bed disturbance section

Bed disturbance activities in river and lake beds and wetlands

### Policy 20

Manage the taking, abstraction, use, damming or diversion of surface water and groundwater so as to:

- 1A. recognise that the use and development of Southland's land and water resources, including for primary production, can have positive effects including enabling people and communities to provide for their social, economic and cultural wellbeing;
1. avoid, remedy or mitigate adverse effects from the use and development of surface water resources on:
  - (a) the quality and quantity of aquatic habitat, including the life supporting capacity and ecosystem health and processes of water bodies;
  - (b) natural character values, natural features, and amenity, aesthetic and landscape values;
  - (c) areas of significant indigenous vegetation and significant habitats of indigenous fauna;
  - (d) recreational values;

- (e) the spiritual and cultural values and beliefs of tangata whenua;
- (f) water quality, including temperature and oxygen content;
- (g) the reliability of supply for lawful existing surface water users, including those with existing, but not yet implemented, resource consents;
- (h) groundwater quality and quantity;
- (i) historic heritage values; and
- (j) mātaītai, taiāpure and nohoanga;

...

#### **Policy 24**

Recognise the need for, and assign priority to, the provision of water for community water supply when allocating water:

1. provided that significant adverse effects on the following are avoided as a first preference, and if unable to be avoided, are mitigated or remedied:
  - (a) the quality and quantity of aquatic habitat, including the life supporting capacity and ecosystem health and processes of water bodies;
  - (b) natural character values, natural features, and amenity, aesthetic and landscape values;
  - (c) areas of significant indigenous vegetation and significant habitats of indigenous fauna;
  - (d) recreational values;
  - (e) the spiritual and cultural values and beliefs of the tangata whenua;
  - (f) water quantity and quality; ~~and~~
  - (g) long-term aquifer storage volumes; and
  - (h) historic heritage values; and

...

#### **Policy 28**

Manage structures, bed disturbance activities and associated discharges in the beds and margins of lakes, rivers and modified watercourses, to avoid, remedy or mitigate adverse effects on:

1. water quality and quantity;
2. habitats, ecosystems and fish passage;
3. indigenous biological diversity;
4. historic heritage;
5. the spiritual and cultural values and beliefs of the tangata whenua;
6. mātaītai and taiāpure;
7. public access (except in circumstances where public health and safety are at risk) and amenity values;
8. natural character values and outstanding natural features;
9. river morphology and dynamics, including erosion and sedimentation;
10. flood risk;
11. infrastructural assets;
12. navigational safety; and
13. landscape values.

...

**Rules 32B, 43, 53, 55, 59A, and 63A**

Insert the 'historic heritage' advice note at the beginning of the rule cascade for all the provisions listed. Historic heritage advice note:

Note: In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.

**Rules 57, 58, 59, 60, 61, 62, 64, 66, 67, 68, 72, 73, 75, 77, and 78**

Insert 'historic heritage' advice note consistently at the beginning of the rule cascade for all of the provisions listed. Historic heritage advice note:

Note: In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.

**Appendix S**

...

**Archaeological discovery without an authority (Protocol)**

If ~~an authority is obtained, and~~ an archaeological site is subsequently discovered or is suspected, the following protocol must be followed:

- (a) immediately cease operations;
- (b) inform the relevant iwi authority;
- (c) inform Heritage New Zealand and apply for the appropriate authority, if required;
- (d) inform the Southland Regional Council and apply for the appropriate resource consent, if required; and
- (e) take appropriate action, after discussing with Heritage New Zealand, the Southland Regional Council and relevant iwi authority to remedy damage and/or restore the site.