

EXPLORING the new plan

AN OVERVIEW OF THE PROPOSED SOUTHLAND WATER AND LAND PLAN



environment
SOUTHLAND
REGIONAL COUNCIL

Te Taiao Tonga

Introduction

The proposed Southland Water and Land Plan is a milestone on the road to a sustainable, long-term future for Southland. After three years of hard work and community consultation, the decisions version of the plan was publicly notified on 4 April.

The plan provides direction and guidance in the sustainable use, development and protection of Southland's water and land resources.

"How can this policy or rule be practically implemented?" This was the question in the minds of hearing commissioners as the plan was developed - they aimed to make it as practical, straightforward and user-friendly as possible. The commissioners listened and took on board the feedback and views of many Southlanders: iwi, communities, businesses and other stakeholders.

While the plan is a major step forward in looking after our land and water resources, there's still plenty more to do.

The plan provides the regulatory foundation for Environment Southland's wider People, Water and Land Programme. As part of this programme, over the coming months, we'll be talking more with iwi, communities, businesses and stakeholders, about how they value water and what they think Southland's future objectives and targets could be. It's then we'll be able to develop draft limits for water takes and for the level of contaminants that get into our waterways. Setting these limits is a statutory requirement of central government.

Looking after our water is the right thing to do - and the right actions on the ground can bring real change. If everyone does their bit, we'll build a thriving future for Southland.

Nicol Horrell, Chairman, Environment Southland

The plan in context:

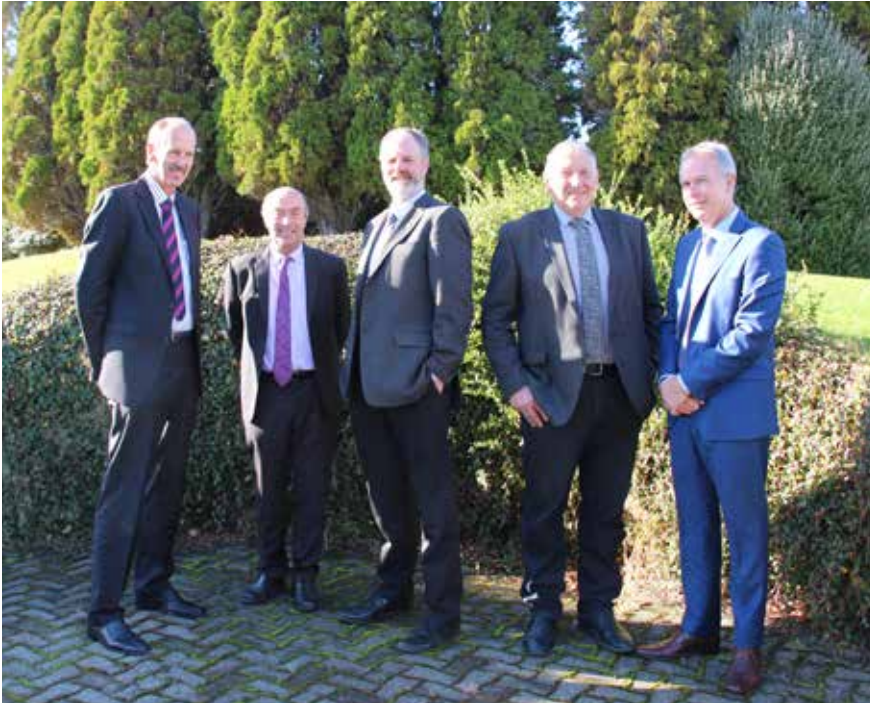
The decisions version of the plan was notified on 4 April. It sits within a wider regulatory framework of national, regional and local resource management policies. It is also a step towards meeting Environment Southland's obligations under the National Policy Statement for Freshwater Management (NPS-FM).

The plan structure:

Regional plans have a structured hierarchy of objectives, policies and rules. Objectives are the overarching goals that we aim to achieve. Policies guide us about how we will get there, while the detail for specific activities can be found in the rules. Our consents staff use this structure when considering resource consent applications.



► Environment Southland Councillors 2016-2019



► Plan hearing panel members; Councillor Maurice Rodway, Edward Ellison, Councillor Lloyd McCallum, Councillor Eric Roy and Rob van Voorthuysen.

The numbers...

1 plan

947 submissions

5 commissioners

26 days of public hearing

274 submitters
presented to the panel

The process so far

From May 2017, a panel of commissioners began hearing submitters' views on the proposed Southland Water and Land Plan. The panel was made up of Environment Southland councillors Lloyd McCallum, Eric Roy and Maurice Rodway, with Rob van Voorthuysen appointed as the independent chair and Edward Ellison appointed as an iwi representative.

After deliberating on submissions and formal evidence, the panel finalised its decisions on the plan. In early 2018, the panel presented these decisions to Council in a recommendation report which Council adopted.

The panel's recommendation report includes decisions on the requests made by submitters. If you made a

submission, the report tells you how your submission was addressed. You'll find this report, along with the plan, on our website.

► Existing use rights

In some situations, there could be confusion over which rule applies and whether a consent is needed. This is especially the case where some existing activities that have been allowed (permitted) by the operative Regional Water Plan, need a resource consent under the decisions version of this plan.

Section 20A of the Resource Management Act addresses this

situation. It ensures that in some circumstances, existing permitted activities can lawfully continue without a consent until six months after the plan is operative (approved by Council). Generally, if you aren't changing the scope or intensity of your activity, you can continue without a consent until the relevant rule becomes operative in the new plan.

If you're unsure about whether you need a consent, please contact our consents team for advice.

What the plan says



Many of the plan submissions came from the farming sector, or were related to farming activities. The short updates below outline what the decisions version of the plan says about some of the farming topics that attracted significant interest.

► Physiographic zones (Policies 4-12a)

Scientists have identified nine physiographic zones across Southland based on water origin, soil type, geology and topography. Each zone is different in the way contaminants build up and move through the soil and aquifers, and into streams and rivers. The zones are used to inform plan policies that aim to

avoid adverse environmental effects. They are no longer referred to in the rules.

Physiographic zones are still relevant as the plan's emphasis is on managing the effects of contaminant pathways and encouraging good farm management

practices. They are included in the policies which must be considered in a consent application.

They also still need to be included in Farm Environmental Management Plans.



► Dairy farming (Rule 20)

Closer management of farming dairy cows is critical to improving water quality in Southland.

Under the plan, dairy farming established prior to June 2016 continues as a permitted activity, if there's been no increase in cow numbers or in the size of a dairy

platform since then. However, these farms will still need to prepare a Farm Environmental Management Plan by May 2019. Existing discharge consents continue to apply.

In all areas, new or expanded dairy farming is a restricted discretionary activity that requires a consent. If you

don't meet the criteria, you will need to apply for a discretionary consent. Consent for new or expanded dairy farming may be granted if you can operate in a way that doesn't increase contaminant losses.

► [Factsheet available](#)

► Cultivation (Rule 25)

Under the plan, you can cultivate (including direct drilling) slopes up to 20 degrees, or up to 800 metres above sea level providing you can meet the permitted criteria. Cultivation on steeper land, including direct drilling and herbicide spraying, will require a consent.

Cultivation is not permitted within five metres of a waterway without a consent. However, the five metre area can occasionally (not more than once every five years) be cultivated when renewing or establishing pasture, but not when planting winter grazing crops. Weed spraying to control pest plants, such as gorse and broom, is permitted on any slope and within the five metre cultivation setback.

► [Factsheet available](#)

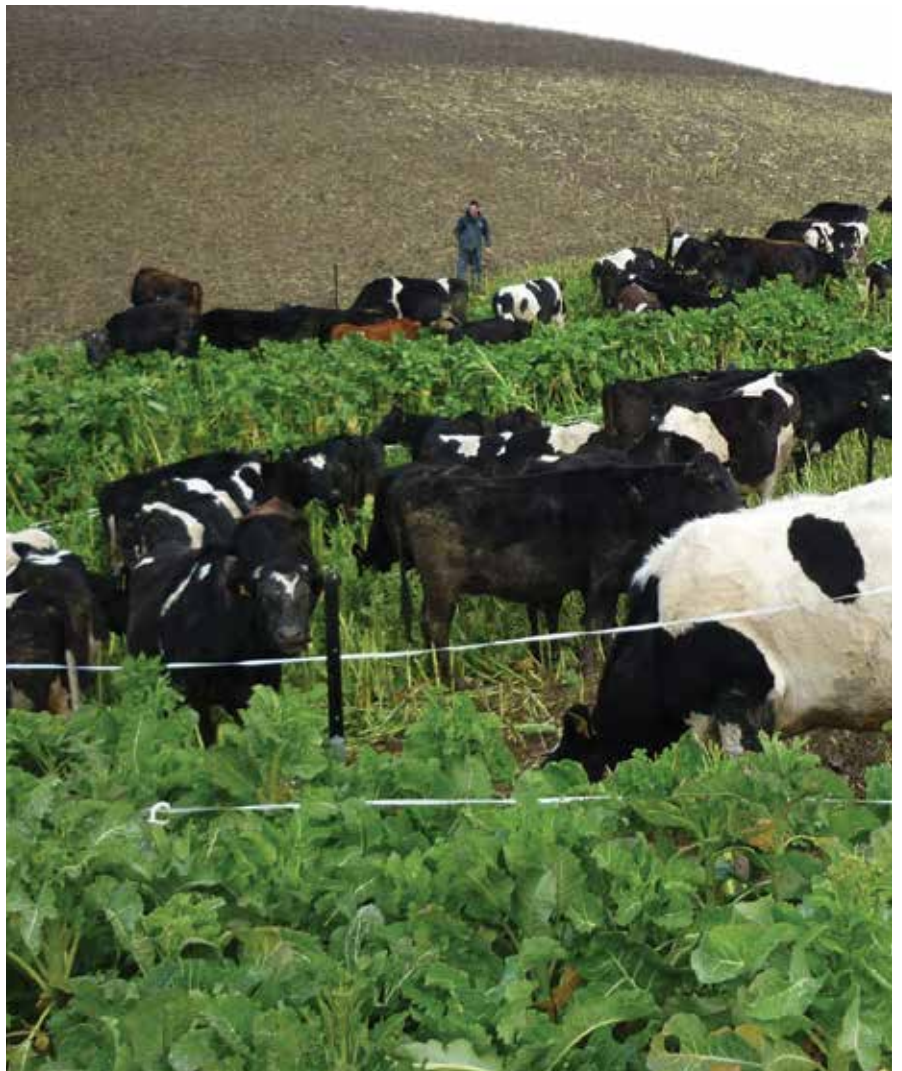


► Intensive winter grazing (Rule 20)

In the plan, up to 15% of a landholding or 100ha (whichever is smaller) can be intensively grazed during winter as a permitted activity, provided you meet certain criteria. Intensive winter grazing is grazing stock between May and September on forage crops (including brassica, beet and root vegetable crops). It does not include pasture or cereal crops. A five metre setback from waterways applies to areas that are winter grazed.

If your winter grazing accounts for more than 15% of your landholding or 100ha, or you are increasing the amount of land you'll be using for winter grazing above that threshold, then you'll need to apply for a restricted discretionary consent. Evidence is needed to show that there is no additional environmental impact beyond what your losses have been over the last five years. You'll also need to prepare a Farm Environmental Management Plan by May 2019.

► [Factsheet available](#)



► Excluding stock from waterways (Rule 70)

Stock in waterways is an issue because contaminants and sediment can get into our water and affect in-stream habitats. If your property has pigs, deer, dairy cattle on milking platforms, dairy support cattle and beef cattle, then they'll need to be excluded from waterways. A timetable for this exclusion is set out in the rule. Occasional managed stock crossings of rivers are permitted, except for dairy cattle on a dairy platform or on a dairy support unit.

Sheep are not included in these restrictions as generally they avoid contact with surface water and cause

less damage to river banks than heavier stock.

However, all stock are prohibited from accessing areas with high biodiversity values such as the riparian areas where there are sensitive waterways, Regionally Significant Wetlands and areas where some native bird species nest.

The plan's rules are similar to draft national regulations on the exclusion of stock from waterways that are being developed by the Ministry for the Environment.

► [Factsheet available](#)



► Farm environmental management plans (Rule 20)

A Farm Environmental Management Plan (FEMP) is a key tool in managing on-farm activities to reduce contaminant losses and getting everyone thinking about good farm management practices.

Under the plan, all farms over 20 hectares need to have a FEMP that sets out how farming activities are managed to minimise contaminant losses. All FEMPs will need to include a nutrient budget, measures taken to manage riparian zones, cultivation, wintering and effluent

applications, and an outline of good management practices that consider a property's physiographic zone and key contaminant pathways.

FEMPs don't need to be submitted to Environment Southland but do need to be included in any farm resource consent application or supplied on request. If you're not applying for a resource consent, it's still important to have a FEMP for your farm. In some cases it will mean you can continue your activities without

consent (i.e. it's a permitted activity requirement) and you may be asked to provide it from time to time.

There is information on good management practices on the Environment Southland, Dairy NZ and Beef + Lamb New Zealand websites. If you would like advice on preparing a FEMP, give us a call.

► [Factsheet available](#)

► Feed pads (Rule 35a)

Multiple feed pads per site are now permitted. There are limits on the number of stock that can use a feed pad and feed pads need to be set back from sensitive areas. They either need a sealed impermeable base, or

a base formed with bark, sawdust or wood chips. If feed pads don't meet these requirements, then they are discretionary activities and need a consent.

Self-feed silage stacks are permitted if run-off and effluent are collected.

► [Factsheet available](#)

► Agricultural effluent storage and management (Rules 32B & D, 35 and 39)

There are rule changes that relate to the construction of new facilities for storing agricultural effluent, and new permitted activity and discretionary activity rules for existing agricultural effluent storage facilities.

To qualify as a permitted activity, new agricultural effluent storage facilities

will need an impermeable concrete or synthetic lining, and be under 35 m³. All structures over 35m³ will need consent. Some will need the design certified by a chartered professional engineer to industry guidelines.

In some situations, pond drop tests are required.

Changes in the plan are not limited to the construction but also the use and maintenance of effluent storage. You will now also need consent for the ongoing use of storage.

► [Factsheet available](#)

► Wetlands (Rule 74)

Using land within a wetland is a permitted activity if the aim is to maintain or enhance the wetland, or maintain an authorised structure. Removing indigenous vegetation or reducing the size of a wetland is not permitted. Peat harvesting is a discretionary activity that now requires a resource consent.

► [Factsheet available](#)

► Urban discharges (Rule 15)

Territorial authorities have a role to provide essential services but also an obligation to improve water quality. Under the plan, the discharge of contaminated water from a stormwater system is subject to a discretionary consent.

Territorial authorities need to implement methods that improve discharge quality over time, including having a management plan and monitoring. Wastewater and community sewerage systems should only overflow in wet weather events and overflows must be progressively reduced.

RMA ACTIVITY CLASSES

The rules within a regional plan determine the class (status) of any activity and whether a resource consent is required for an activity to be carried out.

The test for gaining a resource consent is increasingly more stringent and ranges from permitted through to non-complying.

Each of the rules in the plan must specify whether a particular activity is:

- Permitted: Consent is not required for a permitted activity if it complies with the requirements, conditions, and permissions, if any, specified in the plan.
- Controlled: The council is required to grant consent for a controlled activity but conditions may be applied. Those conditions can only be on matters the council has stated it will control in the plan.
- Restricted discretionary: The council may decline consent applications with this activity status. If a consent is granted, conditions can only be on matters the council has stated it will control in the plan.
- Discretionary: The council may decline consent applications with discretionary status. Consents can be granted with or without conditions.
- Non-complying: The council may only grant a non-complying consent application if it is satisfied that certain requirements are met. The council may put conditions on the consent.
- Prohibited: No application for resource consent may be made for prohibited activities.

Where to start

This overview gives general information. To get more detail about the things that might impact on your operation read the full decisions version of the plan, download the relevant factsheets or give us a call. The plan and factsheets are available on our website.

Remember, in most cases you can continue your activity until the plan becomes operative (approved by Council), providing you aren't changing anything.

We'll keep you posted on what you need to do, and by when. There's information on our website or sign up to our regular People, Water and Land e-newsletter.

The *Playing our part* flier (on our website) provides hints about how to start thinking about the new plan and actions you might take now.

If you need help interpreting the rules, or have specific consent queries, contact our consents team on 0800 76 88 45.

▶ Appeals

If you submitted on the plan and are unhappy with any changes to the parts of the plan you submitted on, then you can lodge an appeal with the Environment Court before 17 May 2018. Your appeal must be in writing and explain what decision you would like the Court to make and why.

This decisions version of the plan replaces the version previously notified in June 2016. Any rules in the decisions version that are not appealed will become operative (approved by Council). We recognise that the time after the appeal period closes could be confusing – we'll be providing more information about the status of the plan then.

TIMELINE

- 2016
Plan notified
- 2016
Submissions
- MAY – OCT 2017
Hearing
- 4 APRIL
Decision
- 17 MAY
Appeal period ends
- 2018 – 2019
Appeals heard
- 2019
Plan operative

