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)
	WILKINS FARMING CO (ENV-2018-CHC-30

MEMORANDUM OF COUNSEL FOR SOUTHLAND FISH AND GAME COUNCIL AND THE ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INC

11 May 2023

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GORE DISTRICT COUNCIL, SOUTHLAND DISTRICT COUNCIL & INVERCARGILL DISTRICT 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 relates to the hearing scheduled to commence on 29 May 2023 and relates to availability of the freshwater ecology witness for Southland Fish and Game Council and the Royal Forest & Bird Protection Society of New Zealand Inc, Ms Kate McArthur. Ms McArthur previously gave evidence for these parties on Rule 78.

2. Ms McArthur intends to participate in joint witness conferencing on 15 May 2023 (Rule 78: ecology). The Court has directed that the Planning and Ecology Joint Witness Statement will be the evidence on Policy 30 and Rule 78, with a supporting s 32AA evaluation. No provision has been made for the filing of briefs of evidence.[1]

3. As the hearing in the week of 29 May 2023 will address Rule 78 as well as Appendix N, Counsel understands that Ms McArthur (as a signatory to the Joint Witness Statement to be produced next week) will be expected to appear.

4. Ms McArthur is not available in the week commencing 29 May 2023. She is in Australia, in a location that does not have internet availability.

5. Counsel therefore seeks to investigate whether there is any way of accommodating Ms McArthur's unavailability, such as by:

    a. Ms McArthur answering written questions from other counsel and the Court, if any.

    b. The Court allocating a period of time on a different date to hear from Ms McArthur.

[1] Directions of 14 April 2023.

6. If either of those options are acceptable, a direction to that effect is sought.

7. Counsel circulated this memorandum in draft to the other parties to Rule 78 appeals yesterday. At the time of filing, Counsel has received a response from Ngā Rūnanga and the Director-General, both of which have indicated they do not oppose either option.

8. Should the Court wish to address this issue at the Judicial Teleconference tomorrow, Mr Smyth will be in attendance.

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Sally Gepp
Counsel for Southland Fish and Game Council
and the Royal Forest and Bird Protection Society of New Zealand Inc

Date: 11 May 2023

Attachment A – Forest & Bird and Fish & Game preferred relief

Key:
Black text = Decisions Version of pSWLP
Black underline and ~~strike-out~~ = changes agreed through the Planning JWS
Red underline and ~~strike-out~~ = changes suggested by Matthew McCallum-Clark
Highlighted track changes – changes supported by Ben Farrell 22/02/22
Highlighted track changes –Forest & Bird and Fish & Game relief 22/02/22

B2 – Discharges

[Note Policies 13, 15A and 15B and Rule 15 are not included here, as they are subject to an affidavit already lodged with the Court]

~~Policy 15C~~

~~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.~~

Rule 5

(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~~; and~~

~~4. the discharge is not into any Regionally Significant Wetland or Sensitive Waterbodies listed in Appendix A~~.

Rule 13

(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)~~(2)~~ 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;

(vi) the discharge does not cause any significant adverse effects on aquatic life;

(vii) the subsurface drainage system does not drain a natural wetland; and

(viii) for any known existing drains and for any new drains, the locations of the drain outlets are mapped and provided to the Southland Regional Council on request.

(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

(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 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]

Topic B5 - Farming

Schedule X – Catchments of degraded waterbodies that require improvement and ecological and cultural indicators of health [new Appendix to the pSWLP]

Insert a new Appendix to the pSWLP titled "Catchments of degraded waterbodies that require improvement and ecological and cultural indicators of health" which includes:

(a) The attributes in Appendix 4 of the Freshwater Science JWS 2019

(b) The Ngai Tahu Indicators of Health November 2019

(c) A map showing the locational extent of degraded waterbodies requiring improvement (Fig 4 of Dr Snelder's evidence)

(d) A map showing the locational extent of waterbodies degraded in respect of DIN (Fig 5 of Dr Snelder's evidence)

(e) A map showing the locational extent of waterbodies degraded in respect of DRP (Fig 6 of Dr Snelder's evidence)

(f) A map showing the locational extent of waterbodies degraded in respect of Suspended Sediment (Fig 7 of Dr Snelder's evidence)

(g) A map showing the locational extent of waterbodies degraded in respect of Ecoli (Fig 8 of Dr Snelder's evidence)

(h) A map showing the locational extent of waterbodies degraded in respect of MCI (Fig 9 of Dr Snelder's evidence)

(i) A map showing the locational extent of waterbodies degraded in respect of TN (Fig 10 of Dr Snelder's evidence).

(j) A map showing the locational extent of waterbodies degraded in respect of TP (Fig 10 of Dr Snelder's evidence).

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 C 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 degraded 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 or pasture wintering 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 degraded 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 degraded 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 degraded 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.~~ For new and existing farming activities:

a. Identify whether the farming activity is occurring, or would occur, in a catchment where the receiving environment contains a degraded waterbody identified in Schedule X.

b. Identify whether the activity is contributing to, or would contribute to, the waterbody's degraded or at risk state, having particular regard to:

i. The contaminants of concern to the waterbody (based on Schedule X).

ii. The risk pathways identified for the Physiographic Zones.

c. Require resource consent for new farming diffuse discharges that have, or would have a risk of, incidental discharges contributing contaminants of concern to a degraded waterbody.

d. Resource consent for existing farming diffuse discharges that contribute contaminants of concern to a degraded waterbody shall only be granted where there is specific mitigation of contaminants of concern such that a meaningful improvement (reduction) in the incidental discharge of contaminants of concern to a degraded waterbody is demonstrated, and required by consent conditions.

e. Resource consent shall not be granted for new farming diffuse discharges that contribute contaminants of concern to a degraded waterbody

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 sediment~~ation 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 or pasture wintering, 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 or pasture wintering, 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 Rule20~~(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

New definition – pasture wintering

Pasture Wintering: Means intensively grazing livestock on pasture and / or supplements at any time in the period that begins on 1 May and ends with the close of 30 September of the same year where:

(i) The density of livestock means pasture or other vegetative ground cover cannot be maintained; and

(ii) The resulting damage caused to the soil by pugging is so severe as to require resowing with pasture or forage crop species.

Rule 20A

(a) Intensive winter grazing and pasture wintering is a permitted activity provided the following conditions are met:

(i) intensive winter grazing or pasture wintering does not occur on more than 50ha or 10% of the area of the land holding, whichever is the greater; and

(ii) the slope of land that is used for intensive winter grazing or pasture wintering 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, mātaitai 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 or pasture wintering; and

(v) the land that is used for intensive winter grazing or pasture wintering 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 or pasture wintering occurs at an altitude greater than 800 metres above mean sea level; and

(b) The use of land for intensive winter grazing or pasture wintering 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 or pasture wintering on the property is no greater than the average area used on the property for the five years prior to the application being made;

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

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

2. whether the intensive winter grazing or pasture wintering 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 or pasture wintering that does not meet conditions of Rule 20A(b) is a non-complying activity.

(d) The use of land for intensive winter grazing or pasture wintering 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 24 - Incidental discharges from farming

(a) The discharge of nitrogen, phosphorus, sediment or microbial contaminants onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene section 15(1) of the RMA is a permitted activity, provided the following conditions are met:

(i) the land use activity associated with the discharge is authorised under Rules 20, 25 or 70 of this Plan; and

(iA) The discharge is not contributing contaminants of concern, as identified in Schedule X, to a catchment where the receiving environment contains a degraded waterbody identified in Schedule X.

(ii) any discharge of a contaminant resulting from any activity permitted by Rules 20, 25 or 70 is managed to ensure that after reasonable mixing it does not give rise to any of the following effects on receiving waters:

(1) any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or

(2) any conspicuous change in the colour or visual clarity; or

(3) the rendering of fresh water unsuitable for consumption by farm animals; or

(4) any significant adverse effects on aquatic life.; and

(b) the discharge of nitrogen, phosphorus, sediment and microbial contaminants onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene section 15(1) of the RMA and that does not meet one or more of the conditions of Rule 24(a) is a non-complying activity.

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~~10 metres from the outer edge of the bed of a lake, river, or modified watercourse or the edge of a natural wetland on land with a slope of less than 10 degrees; and

(2) ~~10~~20 metres from the outer edge of the bed of a lake, river, or modified watercourse or the edge of a natural wetland on land with a slope between 10 and 20 degrees;

(iii)~~(iv)~~ cultivation does not occur on land with a slope greater than 20 degrees~~.~~[64]; 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 or pasture wintering 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 or pasture wintering, even as part of a pasture renewal cycle; and

(iv) all other conditions of Rule 25(a) are complied with ~~cultivation does not occur at an altitude greater than 800 metres above mean sea level~~.

(c) The use of land for cultivation, which does not meet one or more of the conditions of Rule 25(a) or Rule 25(b) is a restricted discretionary activity.

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

1. potential adverse effects of discharges of sediment and other contaminants from the area being cultivated on water quality and biodiversity;

1a. potential adverse effects on the preservation of the natural character of wetlands, lakes, rivers and their margins.

2~~1a~~. mitigation measures for addressing adverse effects identified in 1 and 1a.~~; and~~

2a. the management of critical source areas in the area being cultivated.

3. monitoring and reporting undertaken to assess the effectiveness of any mitigation implemented.

(d) Despite any other rule in this Plan, the use of land for cultivation at an altitude greater than 800 metres above mean sea level is a non-complying activity.

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

Rule 35A

(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 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 feed pad/lot 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) livestock must be kept at least 50 metres from:

(1) any nohoanga listed in Appendix B, mātaitai 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

(iv) 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

(v) 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

(vi) a Farm Environmental Management Plan for the landholding is prepared and implemented in accordance with Appendix N; and

(vii) 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 51

(e) The diversion of water from a natural wetland ~~for the purpose of land drainage~~ is a non-complying 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.

(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

	Land slope (as classified by the LRI slope dataset)		
Farm/stock type	**Plains (0-3°)**	**Undulating/rolling land (>3-15°)**	**Steeper land (>15° and over)**
Dairy cattle (on dairy platforms) and pigs	All water bodies (including open drains) that are: • over 1 metre wide from 1 July 2017 on all slopes • less than 1 metre wide from 1 July 2020 on the plains and undulating/rolling land		
Dairy support ~~(on either land owned/leased by the dairy farmer or third party land)~~	All water bodies, and open drains from 1 July 2022	All water bodies, and open drains over 1 metre wide from 1 July 2022	All water bodies, and open drains where break feeding occurs from 1 July 2022
Beef cattle and deer	All water bodies (including open drains) from 1 July 2025	All water bodies (including open drains) 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 (including open drains) where break feeding or supplementary feeding occurs from 1 July 2022.		

Rule 78

Insert the following in clause (a)(xiv):

(a)(xiv) The modified watercourse is not a habitat of threatened native fish

OR remove the permitted activity standards altogether:

~~*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;*~~

~~*(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;*~~

~~*(vi) between the beginning of June and the end of October, there is no disturbance of the spawning habitat of trout; and*~~

~~*(xii) 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.*~~

~~*(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.

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[1] 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[1] 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/Rārangi 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:~~

(~~a~~1) 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

(~~b~~2) 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

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

5. Objectives of Farm Environmental Management Plans

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

(a) **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, faecal contaminants, and sediment losses from farming activities to ground and surface water, to maintain or improve water quality such that within a catchment identified in Schedule X the ecological and cultural health of the waterbody become less degraded;

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

(i) avoids~~ing~~ stock damage;

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

(ii) retains instream debris for habitat and providing natural forms of waterways such as keeping winding shape and variations in depth and velocity;

(iii) restores riparian vegetation with consideration of biodiversity;

(ix) identifies and protects fish spawning habitat;

(x) removes fish passage barriers, with the exception of barriers introduced for protecting native fish;

(xi) seeks to avoid piping of waterways;

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

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

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

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

(iv) takes into account the current state of cultural and environmental health of waterbodies relative to the attributes and thresholds identified Schedule X;

(v) addresses the extent of fine deposited sediment in farm waterways and changes in this through time;

(vi) adopts best practice drain maintenance; and

(xiii) protects human and cultural health.

(e) **Collected agricultural effluent management**: To manage collected agricultural effluent in accordance with best industry

practice, to ensure contaminants derived from collected agricultural effluent do not cause adverse effects on water quality.

(f) **Drainage maintenance**: To manage drainage maintenance activities to ensure contaminant losses to water bodies and damage to aquatic habitats are avoided where practicable, or otherwise minimised.
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.

(g) **Hauora and ki uta ki tai**: People managing the land take action to understand ki uta ki tai and provide for hauora.

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 or Pasture Wintering is occurring on the landholding, the Farm Environmental Management Plan must also include an intensive winter grazing or pasture wintering 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 document146 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.

[1.] Slope is the average slope over any 20 metre distance

Attachment B – Forest & Bird and Fish & Game "fall back" preferred relief

Appendix BF1 – Recommended Amendments as at 22 Feb 2022

Key:
Black text = Decisions Version of pSWLP
Black underline and ~~strike-out~~ = changes agreed through the Planning JWS
Red underline and ~~strike-out~~ = changes suggested by Matthew McCallum-Clark
Highlighted track changes – changes supported by Ben Farrell 22/02/22

B2 – Discharges

[Note Policies 13, 15A and 15B and Rule 15 are not included here, as they are subject to an affidavit already lodged with the Court]

~~Policy 15C~~

~~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.~~

Rule 5

(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~~; and~~

~~4. the discharge is not into any Regionally Significant Wetland or Sensitive Waterbodies listed in Appendix A~~.

Rule 13

(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)~~(2)~~ 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;

(vi) the discharge does not cause any significant adverse effects on aquatic life;

(vii) the subsurface drainage system does not drain a natural wetland; and

(viii) for any known existing drains and for any new drains, the locations of the drain outlets are mapped and provided to the Southland Regional Council on request.

(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

(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 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]

Topic B5 - Farming

Schedule X – Catchments of degraded waterbodies that require improvement and ecological and cultural indicators of health [new Appendix to the pSWLP]

Insert a new Appendix to the pSWLP titled "Catchments of degraded waterbodies that require improvement and ecological and cultural indicators of health" which includes:

(k) The attributes in Appendix 4 of the Freshwater Science JWS 2019

(l) The Ngai Tahu Indicators of Health November 2019

(m) A map showing the locational extent of degraded waterbodies requiring improvement (Fig 4 of Dr Snelder's evidence)

(n) A map showing the locational extent of waterbodies degraded in respect of DIN (Fig 5 of Dr Snelder's evidence)

(o) A map showing the locational extent of waterbodies degraded in respect of DRP (Fig 6 of Dr Snelder's evidence)

(p) A map showing the locational extent of waterbodies degraded in respect of Suspended Sediment (Fig 7 of Dr Snelder's evidence)

(q) A map showing the locational extent of waterbodies degraded in respect of Ecoli (Fig 8 of Dr Snelder's evidence)

(r) A map showing the locational extent of waterbodies degraded in respect of MCI (Fig 9 of Dr Snelder's evidence)

(s) A map showing the locational extent of waterbodies degraded in respect of TN (Fig 10 of Dr Snelder's evidence).

(t) A map showing the locational extent of waterbodies degraded in respect of TP (Fig 10 of Dr Snelder's evidence).

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 C 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 degraded 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 or pasture wintering 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 degraded 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 degraded 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 degraded 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 sediment~~ation 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 or pasture wintering, 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 or pasture wintering, 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 Rule20~~(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

New definition – pasture wintering

Pasture Wintering: Means intensively grazing livestock on pasture and / or supplements at any time in the period that begins on 1 May and ends with the close of 30 September of the same year where:

(i) The density of livestock means pasture or other vegetative ground cover cannot be maintained; and

(ii) The resulting damage caused to the soil by pugging is so severe as to require resowing with pasture or forage crop species.

Rule 20A

(a) Intensive winter grazing and pasture wintering is a permitted activity provided the following conditions are met:

(i) intensive winter grazing or pasture wintering does not occur on more than 50ha or 10% of the area of the land holding, whichever is the greater; and

(ii) the slope of land that is used for intensive winter grazing or pasture wintering 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, mātaitai 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 or pasture wintering; and

(v) the land that is used for intensive winter grazing or pasture wintering 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 or pasture wintering occurs at an altitude greater than 800 metres above mean sea level; and

(b) The use of land for intensive winter grazing or pasture wintering 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 or pasture wintering on the property is no greater than the average area used on the property for the five years prior to the application being made;

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

1. the quality of and compliance with Appendix N and the Farm Environmental Management Plan for the landholding;
2. whether the intensive winter grazing or pasture wintering 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 or pasture wintering that does not meet conditions of Rule 20A(b) is a non-complying activity.

(d) The use of land for intensive winter grazing or pasture wintering 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) ~~10~~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) ~~20~~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.~~[64]~~; 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 or pasture wintering 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 or pasture wintering, even as part of a pasture renewal cycle; and

(iv) all other conditions of Rule 25(a) are complied with ~~cultivation does not occur at an altitude greater than 800 metres above mean sea level~~.

(c) The use of land for cultivation, which does not meet one or more of the conditions of Rule 25(a) or Rule 25(b) is a restricted discretionary activity.

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

1. potential adverse effects of discharges of sediment and other contaminants from the area being cultivated on water quality and biodiversity;

1a. potential adverse effects on the preservation of the natural character of wetlands, lakes, rivers and their margins.

2~~1a~~. mitigation measures for addressing adverse effects identified in 1 and 1a.~~; and~~

2a. the management of critical source areas in the area being cultivated.

3. monitoring and reporting undertaken to assess the effectiveness of any mitigation implemented.

(d) Despite any other rule in this Plan, the use of land for cultivation at an altitude greater than 800 metres above mean sea level is a non-complying activity.

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

Rule 35A

(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 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 feed pad/lot 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) livestock must be kept at least 50 metres from:

(1) any nohoanga listed in Appendix B, mātaitai 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

(iv) 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

(v) 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

(vi) a Farm Environmental Management Plan for the landholding is prepared and implemented in accordance with Appendix N; and

(vii) 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 51

(e) The diversion of water from a natural wetland ~~for the purpose of land drainage~~ is a non-complying 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.

(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

	Land slope (as classified by the LRI slope dataset)		
Farm/stock type	**Plains (0-3°)**	**Undulating/rolling land (>3-15°)**	**Steeper land (>15° and over)**
Dairy cattle (on dairy platforms) and pigs	All water bodies (including open drains) that are: • over 1 metre wide from 1 July 2017 on all slopes • less than 1 metre wide from 1 July 2020 on the plains and undulating/rolling land		
Dairy support ~~(on either land owned/leased by the dairy farmer or third party land)~~	All water bodies, and open drains from 1 July 2022	All water bodies, and open drains over 1 metre wide from 1 July 2022	All water bodies, and open drains where break feeding occurs from 1 July 2022
Beef cattle and deer	All water bodies (including open drains) from 1 July 2025	All water bodies (including open drains) 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 (including open drains) where break feeding or supplementary feeding occurs from 1 July 2022.		

Rule 78

Insert the following in clause (a)(xiv):

(a)(xiv) The modified watercourse is not a habitat of threatened native fish

OR remove the permitted activity standards altogether:

~~*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;*~~

~~*(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;*~~

~~*(vi) between the beginning of June and the end of October, there is no disturbance of the spawning habitat of trout; and*~~

~~*(xii) 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.*~~

~~*(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.*

Critical source area

(a) a landscape feature like a gully, swale or a depression <u>(including ephemeral flow paths)</u> 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[1] 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[1] 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/Rārangi 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:~~

(~~a~~1) 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

(~~b~~2) 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

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

5. Objectives of Farm Environmental Management Plans

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

(a) **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, faecal contaminants, and sediment losses from farming activities to ground and surface water, to maintain or improve water quality such that within a catchment identified in Schedule X the ecological and cultural health of the waterbody become less degraded;

(d) **Waterways and wetland management**:

To manage activities within and nearby waterways, critical source areas, natural wetlands, and their margins, ~~by~~ in a manner that:

(i) avoids~~ing~~ stock damage;

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

(ii) retains instream debris for habitat and providing natural forms of waterways such as keeping winding shape and variations in depth and velocity;

(iii) restores riparian vegetation with consideration of biodiversity;

(ix) identifies and protects fish spawning habitat;

(x) removes fish passage barriers, with the exception of barriers introduced for protecting native fish;

(xi) seeks to avoid piping of waterways;

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

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

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

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

(iv) takes into account the current state of cultural and environmental health of waterbodies relative to the attributes and thresholds identified Schedule X;

(v) addresses the extent of fine deposited sediment in farm waterways and changes in this through time;

(vi) adopts best practice drain maintenance; and

(xiii) protects human and cultural health.

(e) **Collected agricultural effluent management**: To manage collected agricultural effluent in accordance with best industry practice, to ensure contaminants derived from collected agricultural effluent do not cause adverse effects on water quality.

(f) **Drainage maintenance**: To manage drainage maintenance activities to ensure contaminant losses to water bodies and damage to aquatic habitats are avoided where practicable, or otherwise minimised.

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.

(g) **Hauora and ki uta ki tai**: People managing the land take action to understand ki uta ki tai and provide for hauora.

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 or Pasture Wintering is occurring on the landholding, the Farm Environmental Management Plan must also include an intensive winter grazing or pasture wintering 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 document146 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.

[1.] Slope is the average slope over any 20 metre distance