

In the Environment Court of New Zealand

Christchurch Registry

ENV-2018-CHC-

Under

the Resource Management Act 1991
(**RMA**)

In the matter of

on an appeal under clause 14 of
Schedule 1 of the Act in relation to
Decisions on the Proposed Southland
Water and Land Plan

Between

Southland Fish and Game Council

Appellant

And

Southland Regional Council

Respondent

Notice of Appeal

Dated this 17th day of May 2018

To: The Registrar
Environment Court
Level 1, District Court Building
282 Durham Street
Christchurch 8013

Postal address: PO Box 2069
Christchurch 8013

1. Southland Fish and Game Council (**Fish and Game**) appeals against the decision of Southland Regional Council on the following plan:

Proposed Southland Water and Land Plan

2. Fish and Game made a submission and further submission on the Proposed Southland Water and Land Plan.¹
3. Fish and Game is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Fish and Game received notice of the decision on 4 April 2018.
5. The decision was made by Southland Regional Council (**the Council**).
6. The parts of the decision Fish and Game is appealing is those parts relating to the following provisions:

Region-wide Objectives:

- a. Objective 2;²
- b. Objective 6;³
- c. Objective 7;⁴
- d. Objective 9;⁵
- e. Objective 9B;⁶
- f. Objective 13;⁷

¹ Submitter number 752.

² Submission point 752.18.

³ Submission point 752.22.

⁴ Submission point 752.23.

⁵ Submission point 752.25.

⁶ Objective introduced through Submissions.

⁷ Submission point 752.29.

- g. Objective 13A;⁸
- h. Objective 13B;⁹
- i. Objective 15;¹⁰ and
- j. Objective 18.¹¹

Region-wide Policies:

- k. Policy 4 – Alpine;¹²
- l. Policy 5 – Central Plains;¹³
- m. Policy 6 – Gleyed, Bedrock / Hill Country and Lignite-Marine Terraces;¹⁴
- n. Policy 9 – Old Matura;¹⁵
- o. Policy 10 – Oxidising;¹⁶
- p. Policy 11 – Peat Wetlands;¹⁷
- q. Policy 12 – Riverine;¹⁸
- r. Policy 13 – Management of land use activities and discharges;¹⁹
- s. Policy 15A – Maintain water quality where standards are met;²⁰
- t. Policy 15B – Improving water quality where standards not met;²¹
- u. Policy 15C – Maintaining and improving water quality after FMU processes;²²
- v. Policy 16 – Farming activities that affect water quality;²³

⁸ Objective introduced through Submissions.

⁹ Objective introduced through Submissions.

¹⁰ Submission point 752.31.

¹¹ Submission point 752.34.

¹² Submission point 752.48.

¹³ Submission point 752.49.

¹⁴ Policy 6 – Gleyed - submission point 752.50; Policy 7 – Bedrock / Hill Country – submission point 752.51; and Policy 8 – Lignite Marine Terraces – submission point 752.52.

¹⁵ Submission point 752.53.

¹⁶ Submission point 752.54.

¹⁷ Submission point 752.55.

¹⁸ Submission point 752.56.

¹⁹ Submission point 752.57.

²⁰ Policy introduced through Submissions.

²¹ Policy introduced through Submissions.

²² Policy introduced through Submissions.

²³ Submission point 752.60.

- w. Policy 16A – Industrial and trade processes that affect water quality;²⁴
- x. Policy 17 – Agricultural effluent management;²⁵
- y. Policy 17A – Community sewerage schemes and on-site wastewater systems;²⁶
- z. Policy 18 – Stock exclusion from waterbodies;²⁷
- aa. Policy 20 – Management of water resources;²⁸
- bb. Policy 26A – Infrastructure;²⁹
- cc. Policy 30 – Drainage maintenance;³⁰
- dd. Policy 39 – Application of permitted baseline;³¹
- ee. Policy 42 – Consideration of water permit applications;³²
- ff. Policy 45 – Priority of FMU values, objectives, policies and rules;³³ and
- gg. Policy 47 – FMU processes.³⁴

Discharges Rules:

- hh. Rule 5 – Discharges to surface waterbodies;³⁵
- ii. Rule 13 – Discharges from subsurface drainage systems;³⁶
- jj. Rule 14 – Discharge of fertiliser;³⁷ and
- kk. Rule 15 – Discharge of stormwater.³⁸

Land Use Rules:

²⁴ Policy introduced through Submissions.

²⁵ Submission point 752.61.

²⁶ Policy introduced through Submissions.

²⁷ Submission point 752.62.

²⁸ Submission point 752.63.

²⁹ Policy introduced through Submissions.

³⁰ Submission point 752.71.

³¹ Submission point 752.78.

³² Submission point 752.82.

³³ Submission point 752.85.

³⁴ Submission point 752.87.

³⁵ Submission point 752.97.

³⁶ Submission point 752.105.

³⁷ Submission point 752.106.

³⁸ Submission point 752.107.

- ll. Rule 20 – Farming;³⁹
- mm. Rule 24 – Incidental discharges from farming;⁴⁰ and
- nn. Rule 25 – Cultivation.⁴¹

Bed disturbance activities in river and lake beds:

- oo. Rule 70 – Stock exclusion from waterbodies;⁴²
- pp. Rule 73 – Gravel extraction;⁴³
- qq. Rule 74 – Wetlands;⁴⁴ and
- rr. Rule 78 – Weed and sediment removal for drainage maintenance.⁴⁵

Glossary – definitions:

- ss. Gravel;⁴⁶
- tt. Intensive winter grazing;⁴⁷
- uu. Sediment (there is no definition, but one is requested to be inserted);
- vv. Significant de-vegetation (there is no definition, but one is requested to be inserted);⁴⁸ and
- ww. Sloping Ground (there is no definition, but one is requested to be inserted).

Appendices:

- xx. Appendix A – Regionally Significant Wetlands and Sensitive Water Bodies in Southland;⁴⁹
- yy. Appendix E – Receiving Water Quality Standards;⁵⁰
- zz. Appendix K – Surface Water Appendix;⁵¹ and

³⁹ Rule 20 – Farming - submission point 752.112; Rule 21 – Existing dairy farming of cows – submission point 752.113; Rule 22 – New or expanded dairy farming of cows – submission point 752.115; and Rule 23 – Intensive winter grazing – submission point 752.116.

⁴⁰ Submission point 752.117.

⁴¹ Submission point 752.118.

⁴² Submission point 752.163.

⁴³ Submission point 752.166.

⁴⁴ Submission point 752.167.

⁴⁵ Submission point 752.171.

⁴⁶ Submission point 752.234.

⁴⁷ Submission point 752.238.

⁴⁸ Submission point 752.298.

⁴⁹ Submission point 752.176.

⁵⁰ Submission point 752.180.

⁵¹ Submission point 752.186.

aaa. Appendix N – Farm Environmental Management Plan Requirements.⁵²

7. The reasons for the appeal are:

Effects on the quality of freshwater

- a. The decision results in a Proposed Southland Water and Land Plan (inclusive of all objectives, policies, methods and all related commentary) and hereafter referred to as “the **Proposed Plan**” that:
 - i. Will not manage land use activities and discharges to the extent required to maintain the quality of freshwater or to improve the quality of freshwater where it is degraded.
 - ii. Includes a suite of objectives which do not establish appropriate outcomes. For example, they do not seek to maintain water quality or improve water quality where it has been degraded.
 - iii. Includes a suite of policies that do not put in place measures sufficient to maintain water quality or improve water quality where it has been degraded.
 - iv. Includes a suite of methods that are not sufficiently certain or robust to effectively ensure that water quality is or can be maintained, or improved where it has been degraded. The methods also create an inappropriate permitted baseline for discharges affecting water quality.
 - v. Includes a suite of objectives, policies and rules relating to land use activities that provide for activities which will cause further degradation of water quality and adverse effects on water bodies.
 - vi. Provides an imbalance in favour of primary production generally, above other relevant activities and values.
 - vii. Does not include any method to apply or implement the physiographic zone approach to managing land use activities which affect water quality.
 - viii. Does not set appropriate objectives of policies in relation to the Freshwater Management Unit Process (**FMU**).
 - ix. Does not include sufficient identification or direction for decision-makers to phase out over-allocation when considering resource consent applications.
 - x. Do not give effect to the Regional Policy Statement (**RPS**) or the National Policy Statement for Freshwater Management (**NPSFM**).
 - xi. Adopts the term “minimise” in relation to managing the effects adverse on water quality from farming activities, industrial and trade processes and community sewerage schemes and on-site wastewater systems⁵³. The use of the term “minimise” is inconsistent with sustainable

⁵² Submission point 752.189.

⁵³ For example refer use of the term “minimise” in Objectives 16, 16A and 17A, Rule 20 and Appendix N

management and, because the term is not defined in the Proposed Plan, will lead to uncertainty in its application and relationship to the overarching requirement that the quality of water be maintained.

- xii. Contains rules⁵⁴ which permit the discharge of nitrogen, phosphorus, sediment or microbial contaminants that may result in a contaminant entering water. These rules do not accord with s.70 of the RMA (as the effects listed in s 70(1)(c)-(g) may arise) and are not considered appropriate.
- i. Contains rules⁵⁵ which fail the legal test for a valid permitted activity rule. For example, they: (1) do not include standards that control the actual and potential adverse effects on water that could arise from the discharges (required to ensure they are not contrary to s 70(1)(c)-(g)); and (2) include requirements, conditions and permissions (in respect of contaminant loss) which are not certain enough to ensure that compliance can be readily determined without reference to discretionary assessments.
- xiii. Employs “Farm Environmental Management Plans” as its primary mechanism for managing adverse effects of farming activities on the quality of freshwater. However, there is no evidential basis that Farm Environmental Management Plans will be effective in maintaining water quality where it is not degraded and improving water quality where it is degraded. A regulatory framework requiring reduction in contaminant discharges from farming activities is more appropriate compared to the Farm Environmental Management Plan approach.
- xiv. Employs the term “Sloping Ground”⁵⁶ but provides no definition for this term. “Sloping Ground” should be clearly defined.

Responding to the Science

- b. The decision and Proposed Plan fails to satisfactorily respond to the scientific evidence confirming the quality of water in Southland has significantly degraded and is likely to continue to significantly degrade. For example, there is a lack of direction about which land uses and discharges need to be reduced or avoided in order to improve water quality where it is degraded.

Operative Plan and Community Involvement to date

- c. The decision and Proposed Plan takes the community in a backward step by not providing water quality limits and deferring limit setting to the Freshwater Management Unit Process. The community input into the Operative Regional Freshwater Plan (and in particular) its targets for water quality are being undermined and risk being forgotten. The Proposed Plan will not meet Environment Southland’s commitment to “holding the line”.

Higher order policy documents

⁵⁴ For example Rule13 (Discharge from subsurface drainage systems), Rule 15 (Discharge of stormwater) and Rule 24 (Incidental discharges from farming)

⁵⁵ For example Rules 13, 14 and 24

⁵⁶ For example Rules 20 and 25

- d. The decision fails to give effect to the Regional Policy Statement (**RPS**) and/or the National Policy Statement for Freshwater Management (**NPSFM**).

Other effects on waterbodies

- e. The Proposed Plan includes inappropriate objectives, policies, and methods which will give rise to inappropriate effects on waterbodies in general. For example:
 - i. The matters of discretion in Rule 73(a) and (b) should be the same (for consistency) and Rule 73(b) fails to (but should) include reference to: natural character, navigation hazard, public access and recreational values.
 - ii. Grazing, peat harvesting and drainage activities in Regionally Significant Wetlands listed in Appendix A should be a prohibited activity. The list in Appendix A is not exhaustive and is limited to those wetlands that have been assessed. Further assessments in accordance with the criteria in the RPS are required to be undertaken by Environment Southland.

Section 32 evaluations

- f. The decision and accompanying evaluations under s32 and s32AA did not satisfactorily demonstrate how the objectives are the most appropriate for achieving the purpose of the Act, and how the policies and associated methods are the most appropriate for achieving the objectives.
8. Fish and Game seeks the following relief:
 - a. The changes to the provisions listed in paragraph 6 above, as shown in the attached **Appendix A**; and
 - b. Such other changes to the provisions listed in paragraph 6 above that address the reasons for this appeal; and
 - c. Consequential changes; and
 - d. Costs of and incidental to this appeal.
 9. Fish and Game attaches the following documents to this Notice of Appeal:
 - a. A copy of Fish and Game's Submission (dated 1 August 2016), including an amendment (dated 8 August 2016) and correction of its Submission (dated 24 February 2017), and Further Submission (dated 19 December 2016) (**Appendix B**); and
 - b. A copy of the Decision by Southland Regional Council (**Appendix C**); and
 - c. A list of the names and addresses of persons to be served with a copy of this Notice of Appeal (**Appendix D**).

Dated this 17th day of May 2018



Signed: Zane Moss - Manager
Southland Fish and Game Council

Address for service of Appellant:

Contact: Ben Farrell - Planner

Physical address: C/- John Edmonds + Associates
Level 2, 36 Shotover Street
Queenstown, 9300

Postal address: PO Box 95
Queenstown 9300

Email: ben@jea.co.nz

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Contact persons at Southland Fish and Game Council:

Name: Zane Moss – Manager

Phone: (03) 215 9117 or 021 244 5384

Email: Zane@southlandfishgame.co.nz

or

Name: Jacob Smyth – Resource Management Officer

Phone: (03) 215 9117 or 021 280 0755

Email: Jacob@southlandfishgame.co.nz

Note to appellant

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must, —

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

**How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission and (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

In the Environment Court of New Zealand

Christchurch Registry

ENV-2018-CHC-

Under the Resource Management Act 1991 (**RMA**)

In the matter of on an appeal under clause 14 of Schedule 1 of the Act in relation to Decisions on the Proposed Southland Water and Land Plan

Between **Southland Fish and Game Council**
Appellant

And **Southland Regional Council**
Respondent

Notice of Appeal by Southland Fish and Game Council

APPENDIX A

Specific changes sought to provisions of Proposed Southland Water and Land Plan

Dated this 17th day of May 2018

APPENDIX A

Specific changes sought to provisions of Proposed Southland Water and Land Plan by Southland Fish and Game Council

Text from the decision on the Proposed Southland Water and Land Plan is shown in *italics*. The wording of the decision sought by Fish & Game is shown in *underlined italics* and original text to be deleted is shown as ~~*strikethrough italics*~~.

Provision	Relief sought
Region-wide Objectives	
Objective 2	<p>Amend Objective 2 to provide as follows:</p> <p><u>“Objective 2</u></p> <p><i>Water and land is recognised as an enabler of primary production and the economic, social and cultural wellbeing of the region.”</i></p>
Objective 6	<p>Amend Objective 6 to provide as follows:</p> <p><u>“Objective 6</u></p> <p><i>There is no reduction in the overall quality of freshwater, and water in estuaries and coastal lagoons, by:</i></p> <p><i>(a) maintaining the quality of water in waterbodies, estuaries and coastal lagoons, where the water quality is not degraded; and</i></p> <p><i>(b) improving the quality of water in waterbodies, estuaries and coastal lagoons, that have been degraded by human activities.”</i></p>
Objective 7	Amend Objective 7 to provide as follows:

	<p>“Objective 7</p> <p><i>Any further over-allocation of freshwater (water quality and quantity) is avoided and any existing over-allocation is phased out in accordance with freshwater objectives, freshwater quality limits and timeframes established under Freshwater Management Unit processes <u>or earlier when considering relevant consent applications.</u>”</i></p>
Objective 9	<p>Amend Objective 9 to provide as follows:</p> <p>“Objective 9</p> <p><i>The quantity of water in surface waterbodies is managed so that aquatic ecosystem health, life-supporting capacity, outstanding natural features and landscapes, <u>recreational values</u> and natural character are safeguarded.”</i></p>
Objective 9B	<p>“Objective 9B</p> <p><i>The effective development, operation, maintenance and upgrading of Southland’s regionally significant, nationally significant and critical infrastructure is enabled <u>recognised and provided for.</u>”</i></p>
Objective 13	<p>Amend Objective 13 to provide as follows:</p> <p>“Objective 13</p> <p><i>Enable the use and development of land and soils to support the economic, social, and cultural wellbeing of the region <u>provided.:</u></i></p> <p><i>(a) <u>Land use activities or discharges to land that have significant or cumulative adverse effects on the quantity, quality and structure of soil resources are avoided;</u></i></p> <p><i>(b) <u>The discharges of contaminants to land or water that have significant or cumulative adverse effects on human health are avoided; and</u></i></p>

	<p>(c) <u>Significant or cumulative adverse effects on surface and groundwater quality, surface and groundwater quantity, aquatic ecosystem health, life-supporting capacity, mahinga kai, outstanding natural features and landscapes, indigenous vegetation and fauna, recreational values, amenity values and natural character are avoided.</u></p> <p>Or:</p> <p>Objective 13</p> <p><u>Enable the use and development of land and soils to support the economic, social, and cultural wellbeing of the region provided-:</u></p> <p>(a) <u>Land use activities or discharges to land that have adverse effects (including cumulative adverse effects) on the quantity, quality and structure of soil resources are avoided;</u></p> <p>(b) <u>The discharges of contaminants to land or water that have adverse effects (including cumulative adverse effects) on human health are avoided; and</u></p> <p>(c) <u>Adverse effects (including cumulative adverse effects) on surface and groundwater quality, surface and groundwater quantity, aquatic ecosystem health, life-supporting capacity, mahinga kai, outstanding natural features and landscapes, indigenous vegetation and fauna, recreational values, amenity values and natural character are avoided.</u></p>
Objective 13A	<p>Delete Objective 13A as follows:</p> <p>Objective 13A</p> <p><i>The quantity, quality and structure of soil resources are not irreversibly degraded through land use activities or discharges to land.</i></p>
Objective 13B	<p>Delete Objective 13B as follows:</p>

	<p>“Objective 13B</p> <p>The discharges of contaminants to land or water that have significant or cumulative adverse effects on human health are avoided.”</p>
Objective 15	<p>Amend Objective 15 to provide as follows:</p> <p>“Objective 15 <i>Taonga species, as set out in Appendix M, and related habitats, are recognised and <u>provided for protected.</u>”</i></p>
Objective 18	<p>Amend Objective 18 to provide as follows:</p> <p>“Objective 18</p> <p>All activities operate in accordance with “good management practice” or better to optimise efficient resource use, safeguard the life supporting capacity of the region’s land and soils, and maintain or improve the quality and quantity of the region’s water resources.</p> <p><u>All activities implement the best practicable option to optimise efficient resource use and achieve the following:</u></p> <ul style="list-style-type: none"> (a) <u>Soil conservation;</u> (b) <u>Maintain and improve water quality;</u> (c) <u>Maintain or improve water quantity; and</u> (d) <u>Maintain and improve ecosystems in freshwater.”</u>
Region-wide Policies	
Ngai Tahu Policies	
Policy 3 - Ngāi Tahu ki Murihiku taonga species	<p>Amend Policy 3 to provide as follows:</p>

	<p>“Policy 3 – Ngāi Tahu ki Murihiku taonga species <i>To manage activities that adversely affect taonga species, identified in Appendix M <u>and their related habitats.</u>”</i></p>
Physiographic zone policies	
Policy 4 - Alpine	<p>Amend Policy 4 to provide as follows:</p> <p>“Policy 4 – Alpine</p> <p><i>In the Alpine physiographic zone, avoid, <u>where practicable, or otherwise</u> remedy, or mitigate, erosion and <u>any</u> adverse effects on water quality from <u>the discharge of contaminants</u>, by:</i></p> <ol style="list-style-type: none"> <i>1. requiring implementation of good management practices <u>the best practicable option</u> to manage erosion and <u>any</u> adverse effects on water quality from contaminants transported via overland flow;</i> <i>2. having particular regard to <u>any</u> adverse effects of contaminants transported via overland flow when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and</i> <i>3. prohibiting dairy farming and intensive winter grazing, and decision makers <u>strongly discouraging the</u> generally not granting of <u>any</u> resource consents for cultivation.”</i>
Policy 5 – Central Plains	<p>Amend Policy 5 to provide as follows:</p> <p>“Policy 5 – Central Plains</p> <p><i>In the Central Plains physiographic zone, avoid, <u>where practicable, or otherwise</u> remedy, or mitigate, erosion and <u>any</u> adverse effects on water quality from <u>the discharge of contaminants</u>, by:</i></p> <ol style="list-style-type: none"> <i>1. requiring implementation of good management practices <u>the best practicable option</u> to manage <u>any</u> adverse effects on water quality from contaminants transported via artificial drainage and deep drainage;</i>

	<p>2. having particular regard to <u>any</u> adverse effects on water quality from contaminants transported via artificial drainage and deep drainage when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and</p> <p>3. decision makers generally not <u>strongly discouraging the granting of any</u> resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result <u>because of the proposed activity.</u>”</p>
<p>Policy 6 – Gleyed, Bedrock / Hill Country and Lignite-Marine Terraces</p>	<p>Amend Policy 6 to provide as follows:</p> <p>“Policy 6 – Gleyed, Bedrock/Hill Country and Lignite-Marine Terraces</p> <p><i>In the Gleyed, Bedrock/Hill Country and Lignite-Marine Terraces physiographic zone, avoid, <u>where practicable or otherwise</u> remedy, or mitigate, <u>any</u> adverse effects on water quality from <u>the discharge of</u> contaminants, by:</i></p> <p>1. requiring implementation of good management practices <u>the best practicable option</u> to manage <u>any</u> adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant; and</p> <p>2. having particular regard to <u>any</u> adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans.”</p>
<p>Policy 9 – Old Mataura</p>	<p>Amend Policy 9 to provide as follows:</p> <p>“Policy 9 – Old Mataura</p> <p><i>In the Old Mataura physiographic zone, avoid, <u>where practicable, or otherwise</u> remedy, or mitigate, <u>any</u> adverse effects on water quality from <u>the discharge of</u> contaminants, by:</i></p> <p>1. requiring implementation of good management practices <u>the best practicable option</u> to manage adverse effects on water quality from contaminants transported via deep drainage;</p>

	<p>2. having particular regard to <u>any</u> adverse effects on water quality from contaminants transported via deep drainage when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and</p> <p>3. decision makers generally not <u>strongly discouraging the granting of any</u> resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result <u>because of the proposed activity.</u>”</p>
<p>Policy 10 - Oxidising</p>	<p>Amend Policy 10 to provide as follows:</p> <p>“Policy 10 – Oxidising</p> <p><i>In the Oxidising physiographic zone, avoid, <u>where practicable, or otherwise</u> remedy, or mitigate, <u>any</u> adverse effects on water quality from <u>the discharge of contaminants</u>, by:</i></p> <p>1. requiring implementation of good management practices <u>the best practicable option</u> to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant;</p> <p>2. having particular regard to <u>any</u> adverse effects on water quality from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and</p> <p>3. decision makers generally not <u>strongly discouraging the granting of any</u> resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result <u>because of the proposed activity.</u>”</p>
<p>Policy 11 – Peat Wetlands</p>	<p>Amend Policy 11 to provide as follows:</p> <p>“Policy 11 – Peat Wetlands</p> <p><i>In the Peat Wetlands physiographic zone, avoid, <u>where practicable, or otherwise</u> remedy, or mitigate, <u>any</u> adverse effects on water quality from <u>the discharge of contaminants</u>, by:</i></p>

	<p>1. requiring implementation of good management practices <u>the best practicable option</u> to manage adverse effects on water quality from contaminants transported via artificial drainage, deep drainage, and lateral drainage;</p> <p>2. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, deep drainage, and lateral drainage when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and</p> <p>3. decision makers generally not <u>strongly discouraging the granting of any</u> resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result <u>because of the proposed activity.</u>”</p>
Policy 12 - Riverine	<p>Amend Policy 12 to provide as follows:</p> <p>“Policy 12 - Riverine</p> <p><i>In the Riverine physiographic zone, avoid, where practicable, or otherwise remedy, or mitigate, <u>any</u> adverse effects on water quality from <u>the discharge of contaminants</u>, by:</i></p> <p>1. requiring implementation of good management practices <u>the best practicable option</u> to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant;</p> <p>2. having particular regard to adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and</p> <p>3. decision makers generally not <u>strongly discouraging the granting of any</u> resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result <u>because of the proposed activity.</u>”</p>
Water Quality	
Policy 13 – Management of	Amend Policy 13 to provide as follows:

land use activities and discharges	<p>“Policy 13 – Management of land use activities and discharges</p> <p><i>1. Recognise that the use and development of Southland’s land and water resources, including for primary production, enables people and communities to provide for their social, economic and cultural wellbeing.</i></p> <p><i>2. Manage land use activities and discharges (point source and non-point source) to enable the achievement of Policies 15A, 15B and 15C.”</i></p>
Policy 15A – Maintain water quality where standards are met	<p>Amend Policy 15A as follows:</p> <p>“Policy 15A – Maintain water quality where standards are met</p> <p><i>Where existing water quality meets the Appendix E Water Quality Standards or bed sediments meet the Appendix C ANZECC sediment guidelines, maintain water quality including by:</i></p> <p><i>1. avoiding where practicable, or otherwise, remedying or mitigating, the any adverse effects of new any discharges, so that beyond the zone of reasonable mixing, those standards or sediment guidelines will continue to be met; and</i></p> <p><i>2. requiring any application for replacement of an expiring discharge permit to demonstrate how the adverse effects of the discharge are avoided, remedied or mitigated, so that beyond the zone of reasonable mixing those standards or sediment guidelines will continue to be met.”</i></p>
Policy 15B – Improving water quality where standards are not met	<p>Amend Policy 15B as follows:</p> <p>“Policy 15B – Improve water quality where standards are not met</p> <p><i>Where existing water quality does not meet the Appendix E Water Quality Standards or bed sediments do not meet the Appendix C ANZECC sediment guidelines, improve water quality including by:</i></p> <p><i>1. avoiding where practicable, or otherwise remedying, or mitigating, any adverse effects of any new discharges on water quality or sediment quality that would exacerbate the exceedance of those standards or sediment guidelines beyond the zone of reasonable mixing; and</i></p>

	<p>2. requiring any application for replacement of an expiring discharge permit to demonstrate how and by when <u>any</u> adverse effects will be avoided where practicable, or otherwise remedied or mitigated, so that beyond the zone of reasonable mixing water quality will be improved to assist with meeting those standards or sediment guidelines.”</p>
Policy 15C – Maintaining and improving water quality after FMU processes	<p>Amend Policy 15C as follows:</p> <p>“Policy 15C – Maintaining and improving water quality after FMU processes</p> <p>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.”</p>
Policy 16 – Farming activities that affect water quality	<p>Amend Policy 16 to provide as follows:</p> <p>“Policy 16 – Farming activities that affect water quality</p> <p>1. Minimising <u>Avoid where practicable, or otherwise remedy or mitigate, the any</u> adverse environmental effects (including on the quality of water in lakes, rivers, artificial watercourses, modified watercourses, / wetlands, tidal estuaries and salt marshes, and groundwater) from farming activities by:</p> <p>(a) <u>discouraging Avoiding the establishment of new dairy farming of cows or new intensive winter grazing activities any new, or further intensification of any existing, dairy farming of cows or intensive winter grazing activities where contaminant losses will increase as a consequence, in the catchments of close proximity to Regionally Significant Wetlands and Sensitive Waterbodies identified in Appendix A; and</u></p> <p>(b) <u>ensuring that, in the interim period prior to the development of freshwater objectives under Freshwater Management Unit processes), decision makers strongly discouraging the granting of any resource consents applications to establish new, or further intensify existing, dairy farming of cows or intensive winter grazing activities will generally not be granted where:</u></p> <p>(i) <u>the any</u> 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 <u>where practicable, or otherwise remedied or mitigated; or</u></p> <p>(ii) <u>existing water quality is already degraded to the point of being overallocated; or</u></p>

~~(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 for any resource consents 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.”~~

Or

“(c) ensuring that, after the development of freshwater objectives under Freshwater Management Unit processes, applications for any resource consents to establish new, or further intensify existing, dairy farming of cows or intensive winter grazing activities:

~~(i) decision makers shall avoid the granting of resource consents will generally not be granted where freshwater objectives are not being met; and~~

~~(ii) where freshwater objectives are being met, will generally not be strongly discourage the granting of resource consents 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.”~~

2. Requiring all farming activities, including existing activities, to:

~~(a) implement a Farm Environmental Management Plan setting out the best practicable option to manage adverse effects on water quality from the discharge of contaminants from farming activities, as set out in Appendix N; and~~

~~(b) actively manage avoid where practicable, or otherwise remedy or mitigate, sediment run-off risk from any farming and or hill country development activities by identifying critical source areas and implementing and maintaining practices, including setbacks from waterbodies, sediment traps, riparian planting, limits on areas or duration of exposed soils and the prevention of stock entering the beds of surface waterbodies;~~

~~(i) variable width setbacks relative to slope from the outer edge of the bed of waterbodies;~~

~~(ii) sediment traps;~~

~~(iii) riparian planting;~~

~~(iv) limits on areas or duration of exposed soils; and~~

~~(v) the prevention of stock entering the beds of surface waterbodies (including ephemeral and intermittent rivers); and~~

	<p><i>(c) manage avoid where practicable, or otherwise remedy or mitigate, 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 physiographic zone(s) (and variants where applicable) and soil types within individual properties.</i></p> <p>3. When considering a resource consent application for farming activities, consideration should be given to the following matters:</p> <p>(a) whether multiple farming activities (such as cultivation, riparian setbacks, and winter grazing) can be addressed in a single resource consent; and</p> <p>(b) granting a consent duration of at least 5 years <u>if consistent with Policy 40 “Determining the term of resource consents” to do so.</u>”</p>
<p>Policy 16A – Industrial and trade processes that affect water quality</p>	<p>Amend Policy 16A to provide as follows:</p> <p>“Policy 16A – Industrial and trade processes that may affect water quality</p> <p><i>Minimise Avoid where practicable, or otherwise remedy or mitigate, the any adverse environmental effects (including on the quality of water in lakes, rivers, artificial watercourses, modified watercourses, wetlands, tidal estuaries, salt marshes and groundwater) by requiring the adoption of the best practicable option to manage the treatment and discharge of contaminants derived from industrial and trade processes.”</i></p>
<p>Policy 17 – Agricultural effluent management</p>	<p>Amend Policy 17 to provide as follows:</p> <p>“Policy 17 – Agricultural effluent management</p> <p>1. Avoid significant <u>where practicable, or otherwise remedy or mitigate, any</u> adverse effects on water quality, and avoid, remedy, or mitigate other adverse effects of the operation of, and discharges from, agricultural effluent management systems.</p> <p>2. Manage agricultural effluent systems and discharges from them by:</p> <p>(a) designing, constructing and locating systems appropriately and in accordance with best practice; and</p> <p>(b) maintaining and operating effluent systems in accordance with best practice guidelines; and</p>

	<p>(c) avoiding any surface run-off or overland flow, ponding or contamination of water, including via sub-surface drainage, resulting from the application <u>discharge</u> of agricultural effluent to pasture; and</p> <p>(d) avoiding the discharge of untreated agricultural effluent to water.”</p>
Policy 17A – Community sewerage schemes and on-site wastewater systems	<p>Amend Policy 17A to provide as follows:</p> <p>“Policy 17A – Community sewerage schemes and on-site wastewater systems</p> <p>1. Minimise <u>Avoid where practicable, or otherwise remedy or mitigate, any</u> adverse effects on water quality, and avoid, remedy, or mitigate other adverse effects of the operation of, and discharges from, community sewerage schemes by:</p> <p>(a) designing, operating and maintaining community sewerage schemes in accordance with recognised industry standards; and</p> <p>(b) implementing measures to progressively reduce the frequency and volume of wet weather overflows from community sewerage schemes; and</p> <p>(c) ensuring community sewerage schemes are operated and maintained to minimise <u>avoid</u> dry weather overflows occurring.</p> <p>2. Avoid the discharge of untreated domestic wastewater to water or onto or into land; and avoid, remedy, or mitigate the adverse effects of discharges from on-site wastewater systems;</p> <p>by:</p> <p>(a) avoiding any surface run-off or overland flow, ponding, or contamination of water from the application of domestic wastewater to land; and</p> <p>(b) designing, locating and maintaining on-site wastewater systems in accordance with Sections 5 and 6 of the New Zealand Standard AS/NZS 1547:2012 On-site Domestic Wastewater Management.”</p>
Policy 18 – Stock exclusion from waterbodies	<p>Amend Policy 18 to provide as follows:</p> <p>“Policy 18 – Stock exclusion from waterbodies</p> <p>Reduce <u>Avoid where practicable, or otherwise remedy or mitigate, any adverse effects from the discharge of sedimentation and or microbial contamination of contaminants to water bodies and improve river (excluding ephemeral rivers) and riparian ecosystems and habitats by:</u></p>

	<p>1. <i>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 <u>at the latest</u>; and</i></p> <p>2a. <i>requiring the management of sheep in critical source areas and in those catchments where E. coli levels could preclude contact recreation; and</i></p> <p>3. <i>encouraging the establishment, <u>maintenance</u> and enhancement of healthy vegetative cover in riparian areas, particularly through use of indigenous vegetation; and</i></p> <p>4. <i>ensuring that stock access to lakes, rivers (<u>including ephemeral and intermittent rivers</u>) (excluding ephemeral rivers), natural wetlands, artificial watercourses and modified watercourses is managed in a manner that avoids <u>significant adverse effects on water quality, bed and bank integrity and stability, mahinga kai, and river and riparian ecosystems and habitats</u> <u>surface and groundwater quality, bed and bank integrity and stability, aquatic and riparian ecosystems and habitats, life-supporting capacity, mahinga kai, outstanding natural features and landscapes, indigenous vegetation and fauna, recreational values, amenity values and natural character</u>; and</i></p> <p>5. <i>requiring the implementation of a Farm Environmental Management Plan, as set out in Appendix N, <u>setting out the best practicable option and timeframes to achieve these outcomes.</u></i></p>
Water Quantity	
Policy 20 – Management of water resources	<p>Amend Policy 20 to provide as follows:</p> <p>“Policy 20 – Management of water resources</p> <p><i>Manage the taking, abstraction, use, damming or diversion of surface water and groundwater so as to:</i></p> <p>1A. <i>recognise that the use and development of Southland’s land and water resources, including for primary production, can have positive effects including enabling people and communities to provide for their social, economic and cultural wellbeing;</i></p> <p>1. <i>avoid, <u>where practicable, or otherwise</u> remedy or mitigate, adverse effects from the use and development of surface water resources on:</i></p>

	<p>(a) the quality and quantity of aquatic habitat, including the life supporting capacity and ecosystem health and processes of waterbodies;</p> <p>(b) natural character values, natural features, and amenity, aesthetic and landscape values;</p> <p>(c) areas of significant indigenous vegetation and significant habitats of indigenous fauna;</p> <p>(d) recreational values;</p> <p>(e) the spiritual and cultural values and beliefs of tangata whenua;</p> <p>(f) water quality, including temperature and oxygen content;</p> <p>(g) the reliability of supply for lawful existing surface water users, including those with existing, but not yet implemented, resource consents;</p> <p>(h) groundwater quality and quantity;</p> <p>(j) mātaítai, taiāpure and nohoanga;</p> <p>2. avoid, remedy or mitigate <u>where practicable, or otherwise remedy</u>, significant adverse effects from the use and development of groundwater resources on:</p> <p>(a) long-term aquifer storage volumes;</p> <p>(b) the reliability of supply for lawful existing groundwater users, including those with existing, but not yet implemented, resource consents;</p> <p>(c) surface water flows and levels, particularly in spring-fed streams, natural wetlands, lakes, aquatic ecosystems and habitats (including life supporting capacity and ecosystem health and processes of waterbodies) and their natural character; and</p> <p>(d) water quality, <u>including temperature and oxygen content</u>;</p> <p>3. ensure water is used efficiently and reasonably by requiring that the rate and volume of abstraction specified on water permits to take and use water are no more than reasonable for the intended end use following the criteria established in Appendix O and Appendix L.4.”</p>
<p>Activities that affect water quality and quantity</p>	
<p>Policy 26A – Infrastructure</p>	<p>Amend Policy 26A to provide as follows:</p>

	<p>“Policy 26A – Infrastructure</p> <p><i>Recognise and provide for <u>enable</u> the effective development, operation, maintenance and upgrading of regionally significant, nationally significant and critical infrastructure in a way that avoids where practicable, or otherwise remedies or mitigates, adverse effects on the environment.”</i></p>
Policy 30 – Drainage maintenance	<p>Amend Policy 30 to provide as follows:</p> <p>“Policy 30 – Drainage maintenance</p> <p><i>In recognition of the community benefits of maintaining flood conveyance capacity and land drainage, ensure that drainage maintenance activities within artificial watercourses and the beds of modified watercourses <u>and their margins</u> are managed in a way that either:</i></p> <ol style="list-style-type: none"> <i>1. avoids, <u>where practicable, or otherwise</u> remedies or mitigates, significant any adverse effects on the aquatic environment, <u>including water quality, aquatic ecosystem health, life supporting capacity, natural character and riparian margins, mahinga kai, indigenous vegetation and fauna; or and</u></i> <i>2. <u>maintains or enhances habitat value, including fish passage, gravel spawning habitat and bank stability; and</u></i> <i>3. <u>Mitigates the quantity of sediment released from drainage activities, including in overland flow entering the artificial watercourse or modified watercourse.</u>”</i>
Consideration of Resource Consent Applications	
Policy 39 – Application of the permitted baseline	Amend Policy 39 to provide as follows:

	<p>“Policy 39 – Application of the permitted baseline</p> <p><i>When considering any application for resource consent for the use of land for a farming activity, the Southland Regional Council should shall consider all adverse effects of the proposed activity on water quality <u>and water quantity</u>, whether or not this Plan permits an activity with that effect.”</i></p>
<p>Policy 42 – Consideration of water permit applications</p>	<p>Amend Policy 42 to provide as follows:</p> <p>“Policy 42 – Consideration of water permit applications</p> <p><i>When considering resource consent applications for water permits to take and use water:</i></p> <ol style="list-style-type: none"> <i>1. except for non-consumptive uses, consent will not be granted if a water body is over allocated or fully allocated; or to grant consent would result in a water body becoming over allocated or would not allow an allocation target for a water body to be achieved within a time period defined in this Plan; and</i> <i>2. except for non-consumptive uses, consents replacing an expiring resource consent for an abstraction from an over-allocated water body will generally shall only be granted at a reduced rate, the reduction being proportional to the amount of over-allocation and previous use, using the method set out in Appendix O; and</i> <i>3. installation of water measuring devices will be required on all new permits to take and use water and on existing permits in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010; and</i> <i>4. where appropriate, minimum level or flow cut-offs and seasonal recovery triggers on resource consents for groundwater abstraction will be imposed; and</i> <i>5. conditions will be specified relating to a minimum flow or level, or environmental flow or level regime (which may include flow sharing), in accordance with Appendix K, for all new or replacement resource consents (except for water permits for non-consumptive uses, community water supplies and water bodies subject to minimum flow and level regimes established under any water conservation order) for:</i> <ol style="list-style-type: none"> <i>(a) surface water abstraction, damming, diversion and use; and</i> <i>(b) groundwater abstraction in accordance with Policy 23.”</i>

Freshwater Management Unit Process Policies	
Policy 45 – Priority of FMU values, objectives, policies and rules	<p>Amend Policy 45 to provide as follows:</p> <p>“Policy 45 – Priority of FMU values, objectives, policies and rules</p> <p><i>In response to Ngāi Tahu and community aspirations and local water quality and quantity issues, FMU sections may include additional catchment-specific values, objectives, policies, attributes, rules and limits which will be read and considered together with the Region-wide Objectives and Regionwide Policies. Any provision on the same subject matter in the relevant FMU section of this Plan prevails over the relevant provision within the Region-wide Objectives and Region-wide Policy sections, unless it is explicitly stated to the contrary. <u>the provision in the relevant FMU Section of this plan is not more lenient or less protective of water quality, quantity or aquatic ecology than the Region-wide Objectives and Region-wide Policies.</u></i></p> <p><i>As the FMU sections of this Plan are developed in a specific geographical area, FMU sections will not make any changes to the Region-wide Objectives or Region-wide Policies.</i></p> <p>Note: It would be unfair if changes are made to Region-wide objectives and policies, which apply in other parts of Southland, without the involvement of those wider communities.”</p>
Policy 47 – FMU processes	<p>“Policy 47 – FMU processes</p> <p><i>The FMU sections will <u>support the implementation of the region wide objectives by:</u></i></p> <ol style="list-style-type: none"> <i>1. <u>identifying</u> values and <u>establishing specific</u> freshwater objectives for each Freshwater Management Unit, including where appropriate at a catchment or sub-catchment level, having particular regard to the national significance of Te Mana o te Wai, and any other values developed in accordance with Policies CA1-CA4 and Policy D1 of the National Policy Statement for Freshwater Management 2014 (as amended in 2017); and</i> <i>2. set water quality and water quantity limits and targets to achieve the <u>region wide and specific</u> freshwater objectives; and</i>

	<p>3. <i>set methods to phase out any over-allocation, within a specified timeframe; and</i></p> <p>4. <i>assess water quality and quantity taking into account Ngāi Tahu indicators of health.</i>”</p>
Region-wide Rules	
Discharge Rules	
Rule 5 – Discharge to surface waterbodies	<p>Amend Rule 5 to provide as follows:</p> <p><i>“Rule 5 – Discharges to surface waterbodies</i></p> <p><i>(a) Except as provided for elsewhere in this Plan the discharge of any:</i></p> <p><i>(i) contaminant, or water, into a lake, river, artificial watercourse, modified watercourse or natural wetland; or</i></p> <p><i>(ii) contaminant onto or into land in circumstances where it may enter a lake, river, artificial watercourse, modified watercourse or natural wetland;</i></p> <p><i>is a discretionary activity provided the following conditions are met:</i></p> <p><i>(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</i></p> <p><i>(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</i></p> <p><i>(3) except for discharges from a territorial authority reticulated stormwater or wastewater system, the discharge does not contain any raw sewage; and</i></p> <p><i>(4) <u>the discharge is not into any Regionally Significant Wetland or Sensitive Waterbodies listed in Appendix A.</u>”</i></p>
Rule 13 – Discharge from subsurface drainage systems	Amend Rule 13 to provide as follows:

	<p>“Rule 13 – Discharge from subsurface drainage systems</p> <p>(a) <i>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></p> <ul style="list-style-type: none"> (i) <i>the discharge does not cause:</i> <ul style="list-style-type: none"> (1) <i>a conspicuous change to the colour or clarity of the receiving waters beyond 20 metres from the point of discharge <u>at the downstream edge of the reasonable mixing zone</u>; or</i> (2) <i>conspicuous oil or grease films, scums or foams, or floatable or suspended materials beyond 20 metres from the point of discharge <u>the downstream edge of the reasonable mixing zone</u>; and</i> (ii) <i>the discharge does not render freshwater unsuitable for consumption by farm animals; and</i> (iii) <i>the discharge does not cause the flooding of any other landholding; and</i> (iv) <i>the discharge does not cause any scouring or erosion of any land or bed of a water body beyond the point of discharge; and</i> (v) <i>the discharge does not cause any significant adverse effects on aquatic life; and</i> (vi) <i>the subsurface drainage system does not drain a natural wetland; and</i> (vii) <i>for any known existing drains and for any new drains, the locations of the drains <u>and outlets</u> <u>depth and position</u> are mapped and provided to the Southland Regional Council on request; and</i> (ix) <i><u>The discharge does not contain any agricultural effluent; and</u></i> (x) <i><u>the discharge is not into a Regionally Significant Wetlands or Sensitive Waterbodies listed in Appendix A; and</u></i> (xi) <i><u>where the water quality upstream of the discharge meets the standards set for the relevant waterbody in Appendix E “Water Quality Standards”, the discharge does not reduce the water quality below those standards at the downstream edge of the reasonable mixing zone; or</u></i> (xii) <i><u>where the water quality downstream of the discharge does not meet the standards set for the relevant water body in Appendix E “Water Quality Standards”, the discharge must not further reduce the water quality below those standards at the downstream edge of the reasonable mixing zone.</u></i> <p>(b) <i>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 <u>non-complying</u> activity.”</i></p>
<p>Rule 14 – Discharge of fertiliser</p>	<p>Amend Rule 14 to provide as follows:</p> <p>“Rule 14 – Discharge of fertiliser</p> <p>(a) <i>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></p>

	<p>(i) other than for incidental discharges of windblown fertiliser dust, there is no direct discharge of fertiliser into a lake, river (excluding ephemeral rivers), <u>(including an ephemeral or intermittent river)</u>, artificial watercourse, modified watercourse, or natural wetland or into groundwater; and</p> <p>(ii) there is no fertiliser discharged when the soil moisture exceeds field capacity; and</p> <p>(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</p> <p>(iv) where a lake, river <u>(including an ephemeral or intermittent river)</u>, artificial watercourse, modified watercourse or wetland:</p> <p style="padding-left: 40px;">(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</p> <p style="padding-left: 40px;">(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.</p> <p>(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.”</p>
<p>Rule 15 – Discharge of stormwater</p>	<p>Amend Rule 15 to provide as follows:</p> <p>“Rule 15 – Discharge of stormwater</p> <p>(a) The discharge of stormwater onto or into land in circumstances where contaminants may enter water, or into a lake, river, artificial watercourse, modified watercourse or wetland, is a permitted activity provided the following conditions are met:</p> <p style="padding-left: 40px;">(i) the discharge is not from a reticulated system; and</p> <p style="padding-left: 40px;">(ii) the discharge does not originate from industrial or trade premises where hazardous substances are stored or used unless:</p> <p style="padding-left: 80px;">(1) hazardous substances cannot enter the stormwater system; or</p> <p style="padding-left: 80px;">(2) there is an interceptor system in place to collect stormwater that may contain hazardous substances and discharge or divert it to a trade waste system; or</p> <p style="padding-left: 80px;">(3) the stormwater contains no hazardous substances except oil and grease and the stormwater is passed through an oil interceptor system prior to discharge; and</p> <p style="padding-left: 40px;">(iii) the discharge does not contain any sewage, contaminants from on-site wastewater systems and mobile toilets, or agricultural effluent; and</p>

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

- (1) the production of any conspicuous oil or grease films, scums, foams or floatable or suspended materials; or*
- (2) the rendering of freshwater unsuitable for the consumption by farm animals; or*
- (3) significant adverse effects to aquatic life; or*
- (4) any conspicuous change in the colour or visual clarity of the receiving waters at the downstream edge of the reasonable mixing zone; and*

(v) except for the discharge of stormwater from a roof, road or vehicle parking area, the discharge is not into water within natural state waters; and

(vi) for discharges to land, the discharge does not cause flooding, erosion, or land instability to any other person's property; and

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

(viii) where the water quality downstream of the discharge does not meet the standards set for the relevant water body in Appendix E "Water Quality Standards", the discharge must not further reduce the water quality below those standards at the downstream edge of the reasonable mixing zone.

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

- (i) the reticulated system is owned by a territorial authority and is operated by them or their agent; and*
- (ii) a management plan is provided with the application that sets out, in a manner that reflects the scale and significance of water quality improvements required in the catchment:
 - (1) targets for the reduction in the volume and frequency of wastewater overflows into the stormwater network, and methods to monitor the volume and frequency of those overflow discharges; and*
 - (2) a monitoring and investigation programme to identify and remedy wastewater cross-connections on private and public land; and*
 - (3) methods to improve the quality of the discharge, which may include capital works, bylaws, investigations, education and preventative activities; and**
- (iii) demonstration of funding for implementing the management plan is provided with the application; and*
- (iv) the discharge does not contain any sewage, contaminants from on-site wastewater systems and mobile toilets, or agricultural effluent; and*

	<p><u>(v) where the water quality upstream of the discharge meets the standards set for the relevant waterbody in Appendix E “Water Quality Standards”, the discharge does not reduce the water quality below those standards at the downstream edge of the reasonable mixing zone; or</u></p> <p><u>(vi) where the water quality downstream of the discharge does not meet the standards set for the relevant water body in Appendix E “Water Quality Standards”, the discharge must not further reduce the water quality below those standards at the downstream edge of the reasonable mixing zone.</u></p> <p>(b) The discharge of stormwater onto or into land in circumstances where contaminants may enter water, or into a lake, river, artificial watercourse, modified watercourse or wetland, that does not meet one or more of the conditions in Rule 15(a), excluding condition (a)(iii), <u>a(v) or a(vi)</u>, and which is not otherwise specified in Rule 15(ab) is a discretionary activity.</p> <p>(c) The discharge of stormwater onto or into land in circumstances where contaminants may enter water, or into a lake, river, artificial watercourse, modified watercourse or wetland, that does not meet Rule 15(a)(iii), <u>a(v) or a(vi)</u> and is not otherwise specified in Rule 15(ab) is a non-complying activity.”</p>
Land Use Rules	
Rule 20 - Farming	<p>Amend Rule 20 to provide as follows:</p> <p>“Rule 20 – Farming</p> <p>(aa) Unless stated otherwise by Rules 20, 25, 70 or any other rule in this Plan:</p> <p>(i) intensive winter grazing; or</p> <p>(ii) cultivation; or</p> <p>(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.</p> <p>(a) The use of land for a farming activity is a permitted activity provided the following conditions are met:</p> <p>(i) the landholding is less than 20 hectares in area; or</p> <p>(ii) where the farming activity includes a dairy platform on the landholding, the following conditions are met:</p> <p>(1) the dairy platform has a maximum of 20 cows; or</p> <p>(2) the dairy platform had a dairy effluent discharge permit on 3 June 2016 that specified a maximum number of cows; and</p> <p>(3) cow numbers have not increased beyond the maximum number specified in the dairy effluent discharge permit that existed on 3 June 2016; and</p>

- (4) from 1 May 2019, a Farm Environmental Management Plan for the landholding is prepared and implemented 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; and
- (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 or~~
- (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;
 - (2) from 1 May 2019, a Farm Environmental Management Plan for the landholding is prepared and implemented in accordance with Appendix N; and
 - (3) from 1 May 2019, all of the following practices are implemented:
 - (A) if the area to be grazed is located on land with a slope greater than 4 degrees 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; and
 - (B) when the area is being break-fed or block-fed behind temporary electric fencing, the stock (excluding sheep and deer) are back fenced to prevent stock entering previously grazed areas; and
 - (C) transportable water trough(s) are provided in or near the area being grazed to prevent stock accessing the bed of any-a lake, river (including an ephemeral or intermittent river) (excluding ephemeral rivers), artificial watercourse, modified watercourse or natural wetland for drinking water; and
 - (D) if supplementary feed (including baleage, straw or hay) is used in the area being grazed it is placed in portable feeders; and
 - (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~~ stock are excluded from critical source areas (including swales) within the area being grazed that accumulate runoff from adjacent flats and slopes; and
 - (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 any lake, river (including an ephemeral or intermittent river), headwater seep / spring, tarn, (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:
 - (A) 5 metres measured horizontally from the outer edge of the bed on land with a slope of less than 4 degrees; and

(B) 10 metres measured horizontally from the outer edge of the bed on land with a slope between 4 and 16 degrees; and

(C) 20 metres measured horizontally from the outer edge of the bed on land with a slope of greater than 16 degrees; and

(5) from 1 May 2019, intensive winter grazing does not occur within 20 100 metres of the outer edge of the bed of any lake, Regionally Significant Wetland or Sensitive Waterbodies 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

(iv) for all other farming activities, from 1 May 2020 a Farm Environmental Management Plan is prepared and implemented in accordance with Appendix N.

(b) The use of land for a farming activity that includes intensive winter grazing on the landholding and which meets conditions (iii)(1), (iii) (2), (iii) (5) and (iii) (6) of Rule 20(a) but which does not meet condition (iii)(3) of Rule 20(a) 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 any lake, river (including an ephemeral or intermittent river), headwater seep / spring, tarn, ~~(excluding ephemeral rivers where intensive winter grazing is permitted under Rule 20(aa))~~, artificial watercourse, modified watercourse ~~or~~, natural wetland or critical source area for a distance of at least 20 metres.

(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) The use of land for a farming activity that does not meet one or more of conditions (ii) or (iii) of Rule 20(a), or does not meet condition (i) of Rule 20(b), 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 application includes the following material, prepared by a suitably qualified person:

(1) an assessment that shows that the annual amount of nitrogen, phosphorus, sediment and microbiological contaminants discharged from the landholding will be no greater than that which was lawfully discharged annually on average for the five years prior to the application being made; and

(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 the exercise of its discretion to the following matters:

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

	<p>2. whether the assessment undertaken under Rule 20(c)(ii) above takes into account reasonable and appropriate good management practices <u>the best practicable option to minimise avoid where practicable, or otherwise remedy or mitigate, the losses discharges of nitrogen, phosphorus, sediment and microbiological contaminants from the existing farming activity to water from the existing use of land, taking into account contaminant loss pathways;</u></p> <p>3. good management practices <u>the best practicable options to be undertaken, including those to minimise avoid where practicable, or otherwise remedy or mitigate, the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land, taking into account contaminant loss pathways;</u></p> <p>4. <u>the potential benefits and any adverse effects of the activity to the applicant, the community and the environment;</u></p> <p>5. <u>the potential adverse effects of the farming activity on surface and groundwater quality (including the quality of groundwater that meets the Drinking Water Standards for New Zealand 2005 (revised 2008)), surface and groundwater quantity, and sources of drinking water, aquatic ecosystem health, life-supporting capacity, mahinga kai, outstanding natural features and landscapes, indigenous vegetation and fauna, recreational values, amenity values and natural character; and</u></p> <p>6. <u>monitoring and reporting undertaken to assess the effectiveness of any mitigation implemented.</u></p> <p>(e) The use of land for a farming activity that does not meet one or more of the conditions of Rule 20(d) or condition (iv) of Rule 20(a) is a discretionary non-complying activity.</p> <p>Insert an accompanying footnote as follows:</p> <p><i>“Slope in Rule 20(a)(iii)(4) is the average slope from the outer edge of the bed measured horizontally to a point 20 metres from the outer edge.”</i></p>
<p>Rule 24 – Incidental discharges from farming</p>	<p>Amend Rule 24 to provide as follows:</p> <p>“Rule 24 - Incidental discharges from farming</p> <p>(a) <i>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></p> <p><i>(i) the land use activity associated with the discharge is authorised under Rules 20, 25 or 70 of this Plan; and</i></p> <p><i>(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:</i></p>

	<p>(1) any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or</p> <p>(2) any conspicuous change in the colour or visual clarity; or</p> <p>(3) the rendering of fresh water unsuitable for consumption by farm animals; or</p> <p>(4) any significant adverse effects on aquatic life.; and</p> <p><u>(iii) any discharge of a contaminant resulting from any activity permitted by Rules 20, 25 or 70 is managed to ensure that after reasonable mixing it does not give rise to any of the following effects on receiving waters:</u></p> <p><u>(1) where the water quality upstream of the discharge meets the standards set for the relevant waterbody in Appendix E “Water Quality Standards”, the discharge does not reduce the water quality below those standards at the downstream edge of the reasonable mixing zone; or</u></p> <p><u>(2) where the water quality downstream of the discharge does not meet the standards set for the relevant water body in Appendix E “Water Quality Standards”, the discharge must not further reduce the water quality below those standards at the downstream edge of the reasonable mixing zone.</u></p> <p>(b) the discharge of nitrogen, phosphorus, sediment and microbial contaminants onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene section 15(1) of the RMA and that does not meet one or more of the conditions of Rule 24(a) is a non-complying activity.”</p>
<p>Rule 25 – Cultivation on sloping land</p>	<p>Amend Rule 25 to provide as follows:</p> <p>“Rule 25 – Cultivation</p> <p>(a) The use of land for cultivation is a permitted activity provided the following conditions are met:</p> <p>(i) cultivation does not take place within the bed of a lake, river (<u>including an ephemeral or intermittent river</u>) (excluding ephemeral rivers where cultivation is permitted under Rule 20(aa)), headwater seep / spring, tarn, artificial watercourse, modified watercourse or natural wetland, modified watercourse or artificial watercourse; and</p> <p>(ii) cultivation does not take place within a distance of 5 metres from the outer edge of the bed of a lake, river (excluding ephemeral rivers where cultivation is permitted under Rule 20(aa)) artificial watercourse, modified watercourse or wetland; and</p> <p><u>cultivation does not take place within a distance of:</u></p> <p><u>(1) 5 metres measure horizontally from the outer edge of the bed on land with a slope of less than 4 degrees (flat); and</u></p> <p><u>(2) 10 metres measured horizontally from the outer edge of the bed on land with a slope between 4 and 16 degrees (rolling); and</u></p>

(3) 20 metres measured horizontally from the outer edge of the bed on land with a slope of greater than 16 degrees (strongly rolling); and

(iii) cultivation does not occur above at an altitude greater than 800 metres above mean sea level; and

(iv) cultivation does not occur on land with a slope greater than 20 degrees. (moderately steep); and

(v) cultivation is not undertaken in critical source areas (including swales) that accumulate runoff from adjacent flats and slopes for the purpose of establishing forage crops (including brassica, beet and root vegetable crops) used for intensive winter grazing; and

(vi) where cultivation is undertaken for the purpose of renewing or establishing pasture a temporary sediment retention system shall be installed and maintained to service critical source areas (including swales) within the area being cultivated that accumulate runoff from adjacent flats and slopes.

~~(b) The use of land for cultivation that does not meet the setback distance of Rule 25(a)(ii) is a permitted activity provided the following conditions are met:~~

~~(i) cultivation does not take place within the bed of a lake, river (excluding ephemeral rivers where cultivation is permitted under Rule 20(aa)), artificial watercourse, modified watercourse or natural wetland and a distance of 3 metres from the outer edge of the bed; and~~

~~(ii) cultivation does not take place more than once in any 5-year period; and~~

~~(iii) cultivation is for the purpose of renewing or establishing pasture and is not undertaken to establish a crop used for intensive winter grazing, even as part of a pasture renewal cycle; and~~

~~(iv) cultivation does not occur at an altitude greater than 800 metres above mean sea level.~~

(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 the exercise of its discretion to the following matters:

1. potential adverse effects of discharges of sediment and other contaminants from critical source areas in the area being cultivated on water quality and biodiversity. potential adverse effects of the cultivation activity, including discharges of sediment and other contaminants from critical source areas in the area being cultivated, on surface and groundwater quality, surface and groundwater quantity, aquatic ecosystem health, life-supporting capacity, mahinga kai, outstanding natural features and landscapes, indigenous vegetation and fauna, recreational values, amenity values and natural character;

2. mitigation measures the best practicable option for addressing adverse effects;

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

	<i>mean sea level is a non-complying activity.”</i>
Bed Disturbance Activities in River and Lake Beds	
Rule 70 – Stock exclusion from waterbodies	<p>Amend Rule 70 to provide as follows:</p> <p><i>“Rule 70 – Stock exclusion from waterbodies</i></p> <p><i>(a) From 1 July 2020, the disturbance of roosting and nesting areas of the black fronted tern, black billed gull, banded dotterel or black fronted dotterel located in the bed of a lake, river (including an ephemeral river), modified watercourse, or natural wetland by stock including cattle, deer, pigs or sheep is a prohibited activity.</i></p> <p><i>(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.</i></p> <p><i>(c) The disturbance of the bed of a river (including an ephemeral or intermittent 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.</i></p> <p><i>(d) Bed disturbance activities that do not comply with Rule 70(c) are a non-complying activity.</i></p> <p><i>(e) Other than as provided for by Rules 70(c) and 70(d), the disturbance of the bed of a lake, river (including an ephemeral or intermittent river) (excluding ephemeral rivers where stock access is permitted under Rule 20(aa)), modified watercourse or, natural wetland or artificial drain by cattle, deer or pigs is a permitted activity prior to the dates set out in Table 1 for the land having listed land slopes after which time it is respectively a discretionary activity on that land. <u>provided the following conditions are met:</u></i></p> <p><i><u>(i) there is no significant de-vegetation of the bed and banks, pugging or alteration to the profile of the bed and banks, other than at fords or stock crossings; and</u></i></p>

(ii) there is no break feeding or supplementary feeding of stock in, over or on the bed of a lake, river (including ephemeral or intermittent river), natural wetland, artificial watercourse or modified watercourse and their margins.

(g) Other than as provided for by Rules 70(c) and 70(d), the disturbance of the bed of a lake, river (including an ephemeral or intermittent river) modified watercourse, natural wetland or artificial drain by cattle, deer or pigs the dates set out in Table 1 for the land having listed land slopes is a non-complying activity.”

Amend “Table 1: Timetable for stock exclusion from waterbodies” to provide as follows:

	Land slopes (as classified by the LRI slope dataset)		
Farm / stock type	Plains (0-3°)	Undulating / rolling land (>3-15°)	Steeper land (>15° and over)
<i>Dairy cattle (on milking platforms) and pigs</i>	<p>All <u>natural wetlands and waterbodies (including artificial drains)</u> that are:</p> <ul style="list-style-type: none"> • 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 		
<i>Dairy support (on either land owned / leased by the dairy farmer or third party land)</i>	<p>All water bodies from 1 July 2022 <u>All natural wetlands and water bodies (including artificial drains) from 1 July 2020</u></p>	<p>All water bodies over 1 metre wide from 1 July 2022 <u>All natural wetlands and water bodies (including artificial drains) over 1 metre wide from 1 July 2020</u></p>	<p>All natural wetlands and water bodies <u>(including artificial drains)</u> where break feeding or <u>supplementary feeding</u> occurs from 1 July 2022 <u>2020</u></p>
<i>Dairy support (on either land owned / leased by the dairy farmer or third party land)</i>	<p>All <u>natural wetlands and water bodies</u> from 1 July 2022</p>	<p>All <u>natural wetlands and water bodies</u> over 1 metre wide from 1 July 2022</p>	<p>All <u>natural wetlands and water bodies (including artificial drains)</u> where break feeding or <u>supplementary feeding</u> occurs from 1 July 2022</p>
<i>Beef cattle and deer</i>	<p>All <u>natural wetlands and water bodies (including artificial drains)</u> from 1 July 2025</p>	<p>All <u>natural wetlands and water bodies (including artificial drains)</u> over 1 metre wide from 1 July 2030, unless the average stocking rate on the land directly adjacent to the waterbody is less than 6 stock units per hectare</p>	
	<p>All <u>natural wetlands and water bodies (including artificial drains)</u> where break feeding or <u>supplementary feeding</u> occurs from 1 July 2022</p>		

<p>Rule 73 – Gravel extraction</p>	<p>Amend Rule 73 to provide as follows:</p> <p>Rule 73 – Gravel extraction</p> <p><i>(a) The excavation or disturbance of the bed of a lake, river or modified watercourse for the purpose of extracting gravel or aggregate (except where the extraction of gravel or aggregate is associated with the maintenance of structures which is otherwise authorised under Rule 66) is a restricted discretionary activity provided the following conditions are met:</i></p> <p><i>(ai) the general conditions set out in Rule 55A other than conditions (i), (j) and (k) of that Rule; and</i></p> <p><i>(i) the quantity of gravel removed is less than 120 cubic metres per year; and</i></p> <p><i>(ii) there is no extraction from flowing water; and</i></p> <p><i>(iii) the area is left level and tidy on completion of the activity.</i></p> <p>The Southland Regional Council will restrict its discretion to the following matters:</p> <ol style="list-style-type: none"> <i>1. the quantity of <u>material extracted</u> and location of the extraction; and</i> <i>2. any effects on infrastructure, river morphology and dynamics (including erosion or deposition), aquatic and riverine ecosystems and habitat, taonga species, natural character and amenity values, navigation hazard, public access, recreation values and the spiritual and cultural values and beliefs of the tangata whenua.</i> <p>Note: <i>In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.</i></p> <p><i>(b) The excavation or disturbance of the bed of a lake, river or modified watercourse for the purpose of extracting gravel or aggregate (except where the extraction of gravel is associated with the maintenance of structures which is otherwise authorised under Rule 66) for flood or erosion control or the protection of infrastructure is a restricted discretionary activity provided the following conditions are met:</i></p> <p><i>(ai) the general conditions set out in Rule 55A other than conditions (i), (j) and (k) of that Rule.</i></p> <p>The Southland Regional Council will restrict its discretion to the following matters:</p> <ol style="list-style-type: none"> <i>1. the <u>quantity of material extracted and</u> location of the extraction; and</i> <i>2. the design of the works and the quantity of material extracted; <u>and</u></i>
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	<p><i>3. any effects on infrastructure, flood risk, river morphology and dynamics (including erosion or deposition), aquatic and riverine ecosystems and habitat, taonga species, <u>natural character, navigation hazard, public access, recreational values</u> and the spiritual and cultural values and beliefs of the tangata whenua.</i></p> <p>Note: <i>In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.</i></p> <p><i>(c) The excavation or disturbance of the bed of a lake, river or modified watercourse for the purpose of extracting gravel or aggregate (except where the extraction of gravel is associated with the maintenance of structures which is otherwise authorised under Rule 66) that cannot meet the conditions in Rules 73(a) or 73(b) and is a discretionary activity.</i></p>
<p>Rule 74 - Wetlands</p>	<p>Amend Rule 74 to provide as follows:</p> <p>“Rule 74 – Wetlands</p> <p><i>(a) The use of land within a wetland for the purposes of:</i></p> <ul style="list-style-type: none"> <i>(i) maintaining or enhancing the wetland, or</i> <i>(ii) maintaining existing authorised structures within the wetland is a permitted activity provided the following conditions are met:</i> <ul style="list-style-type: none"> <i>(1) there is no destruction or removal of any indigenous vegetation from any natural wetland; and</i> <i>(2) there is no reduction in the size of the wetland; and</i> <i>(3) there is no flooding or ponding caused on any land owned or occupied by another person; and</i> <i>(4) there is no establishment of pest plant species that:</i> <ul style="list-style-type: none"> <i>(A) are listed in the Regional Pest Management Strategy for Southland 2013 or any replacement plan prepared under the Biosecurity Act, or Biosecurity NZ Register of Unwanted Organisms, in circumstances where the planting of those pest plant species is restricted under the Biosecurity Act; or</i> <i>(B) may damage existing biodiversity values of the wetland; or</i> <i>(C) will form the dominant vegetation type in the wetland.</i>

	<p><i>(ab) The use of land within a wetland for commercial peat harvesting is a discretionary activity provided the following conditions are met:</i></p> <p><i>(i) the applicant can show, by way of aerial photographs or other documentary evidence, that a commercial peat harvesting operation occurred within the wetland at some time during the period between 30 June 2006 and 30 June 2016; and</i></p> <p><i>(ii) there is no establishment of pest plant species that:</i></p> <p><i>(1) are listed in the Regional Pest Management Strategy for Southland 2013 or any replacement plan prepared under the Biosecurity Act, or Biosecurity NZ Register of Unwanted Organisms, in circumstances where the planting of those pest plant species is restricted under the Biosecurity Act; or</i></p> <p><i>(2) may damage existing biodiversity values of the wetland; or</i></p> <p><i>(3) will form the dominant vegetation type in the wetland.; <u>and</u></i></p> <p><i><u>(iii) The wetland is not a Regionally Significant Wetland listed in Appendix A.</u></i></p> <p><i>(b) The use of land within a wetland (excluding a natural wetland) that is for one or more of the purposes listed in Rule 74(a) but which does not comply with the conditions of Rule 74(a), or the use of land within a wetland that is not a natural wetland that is not for one or more of the purposes listed in Rule 74(a), is a discretionary activity.</i></p> <p><i>(c) The use of land within a natural wetland that is not for one or more of the purposes listed in Rule 74(a) or 74(ab), <u>including grazing by stock or drainage activities,</u> is a non-complying activity.”</i></p>
<p>Rule 78 – Weed and sediment removal for drainage maintenance</p>	<p>Amend Rule 78 to provide as follows:</p> <p>Rule 78 – Weed and sediment removal for drainage maintenance</p> <p><i>(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:</i></p> <p><i>(ai) general conditions (e), (f), (g), (h) and (l) set out in Rule 55A; and</i></p> <p><i>(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; and</i></p> <p><i>(ii) the activity is restricted to the removal of aquatic weeds and plants or sediment deposits; and</i></p> <p><i>(iia) the removal of river bed material, <u>including gravel,</u> other than aquatic weeds, plants, mud or silt is avoided as far as practicable.</i></p>

	<p>(1) <u>only to the extent that is necessary to undertake the activity and shall be kept to the absolute minimum;</u> <u>and</u> (2) <u>shall not exceed more than 5% gravel (>10mm diameter) by volume; and</u> (iii) <u>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; and</u> (iv) <u>upon completion of the activity, fish passage is not impeded as a result because of the activity; and</u> (v) <u>the operator takes all reasonable steps to return any fish captured or stranded by the activity to water immediately; and</u> (vi) <u>between the beginning of June and the end of October, there is no disturbance of the spawning habitat of trout; and</u> (xiii) <u>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 shall be kept to the absolute minimum.</u></p> <p>Note: <i>In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.</i></p> <p>(b) <i>The removal of aquatic weeds and plants and <u>fine</u> 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.</i></p>
Glossary	
Definition of "Gravel"	<p>Amend the definition of "Gravel" as follows</p> <p>"Gravel <i>Fluvial inorganic aggregate matter or river bed material of any size <u>with an individual grain size greater than 2mm.</u>"</i></p>
Definition of "Intensive Winter Grazing"	<p>Amend the definition of "Intensive Winter Grazing" as follows:</p> <p>"Intensive winter grazing "Grazing of stock between May and September (inclusive) on forage crops (including brassica, beet and root vegetable crops), excluding pasture and cereal crops."</p>

	<p><u>“Grazing of stock between May and September inclusive on fodder crops or pasture to the extent that the grazing results in significant de-vegetation. This is usually associated with break feeding behind temporary electric fences.”</u></p> <p>Insert a definition of “significant de-vegetation” as follows:</p> <p><u>“Significant de-vegetation</u> <u>Removal of, or damage to, vegetation caused by stock access or grazing that results in the exposure of bare ground and / or pugging of the soil.”</u></p>
Definition of “Sediment”	<p>Insert a definition of “Sediment”. A suggested definition is:</p> <p><u>“Sediment</u> <u>Clay, silt and sand with an individual grain size of less than 2mm.”</u></p>
New Definition for “Sloping Ground”	<p>Insert a definition of “Sloping Ground”. A suggested definition is:</p> <p><u>“Sloping Ground</u> <u>Ground with a slope of more than 4 degrees.</u> <u>For this plan:</u></p> <ul style="list-style-type: none"> • <u>land with a slope of less than 4 degrees is considered to be flat;</u> • <u>land with a slope between 4 and 16 degrees is considered to be rolling;</u> • <u>land with a slope of between 16 and 20 degrees is considered to be strongly rolling; and</u> • <u>land with a slope of greater than 20 degrees is considered to be steep.”</u>

Appendices	
Appendix A – Regionally Significant Wetlands and Sensitive Water	<p>Amend the note accompanying Appendix A to provide as follows</p> <p><u>“Note:</u> <u>For wetlands, this appendix only identifies those which have been formally assessed and found to be of regional significance. As formal assessments of wetlands are undertaken Southland Regional Council, through the plan change process may identify additional wetlands in this appendix. There are also rules in this plan that manage activities in relation to all wetlands, not only those identified in this appendix.”</u></p>

Bodies in Southland								
Appendix E – Receiving Water Quality Standards								
Amend the Appendix E receiving water quality standards as set out in the table below:								
<i>Water body classification</i>	<i>Water clarity standard</i>	<i>Water clarity standard [when flow is below the median flow]</i>	<i>Deposited fine sediment <2mm diameter [max cover of bed] (%)</i>	<i>Maximum change in clarity [when flow is below the median flow?]</i>	<i>MCI [min score]</i>	<i>MCI [min score]</i>	<i>QMCI [min score]</i>	<i>QMCI [min score]</i>
“Natural State Waters”	<i>The natural quality of the water shall not be altered.</i>	<i>The natural quality of the water shall not be altered.</i>	<i>No change</i>	<i>No change</i>	-	-	-	-
“Mountain”	<i>3 metres</i>	<i>5 metres</i>	<i>10%</i>	<i>10%</i>	<i>≥120</i>	<i>>120</i>	<i>≥7</i>	<i>>7</i>
“Lake Fed”	<i>3 metres</i>	<i>5 metres</i>	<i>10%</i>	<i>10%</i>	<i>≥90</i>	<i>>100</i>	<i>≥4.5</i>	<i>>5.5</i>
“Spring Fed”	<i>3 metres</i>	<i>5 metres</i>	<i>20%</i>	<i>10%</i>	<i>≥90</i>	<i>>120</i>	<i>≥4.5</i>	<i>>7</i>
“Hill”	<i>1.6 metres</i>	<i>5 metres</i>	<i>15%</i>	<i>15%</i>	<i>≥100</i>	<i>>120</i>	<i>≥5.5</i>	<i>>7</i>
“Lowland hard bed”	<i>1.6 metres</i>	<i>3.5 metres</i>	<i>20%</i>	<i>20%</i>	<i>≥90</i>	<i>>100</i>	<i>≥4.5</i>	<i>>5.5</i>
“Lowland soft bed”	<i>1.3 metres</i>	<i>3.5 metres</i>	<i>30%</i>	<i>30%</i>	<i>≥80</i>	<i>>90</i>	<i>≥3.5</i>	<i>>4.5</i>
“Mataura 1, 2 & 3”	<i>colour and clarity of the waters must not be changed to a conspicuous extent.</i>	<i>5 metres 3.5 metres as river progresses from mountain, hill to lowland hard bed</i>	<i>10, 15, 20% as river progresses from mountain, hill to lowland hard bed</i>	<i>10, 15, 20% as river progresses from mountain, hill to lowland hard</i>	<i>≥120, ≥100, ≥90 as river progresses from mountain, hill to lowland hard bed</i>	<i>>120, 100 as river progresses from mountain, hill to lowland hard bed</i>	<i>≥7, ≥5.5, ≥4.5 as river progresses from mountain, hill to lowland hard bed</i>	<i>>7, >5.5 as river progresses from mountain, hill to lowland hard bed</i>
QMCI = quantitative macroinvertebrate community index MCI = macroinvertebrate community index								

<p>Appendix N – Farm Environmental Management Plan Requirements</p>	<p>Amend Appendix N to provide as follows:</p> <p>“Appendix N – Farm Environmental Management Plan Requirements</p> <p>Part A – Farm Environmental Management Plans</p> <p>A Farm Environmental Management Plan (FEMP) can be based on either of:</p> <ol style="list-style-type: none"> 1. the material <u>default content</u> 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 <u>default material content</u> set out in Part B below. <p>Part B – Farm Environmental Management Plan <u>Default</u> Content</p> <ol style="list-style-type: none"> 1. A written FEMP that is: <ol style="list-style-type: none"> (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: <ol style="list-style-type: none"> (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; <u>and</u> (e) <u>The type of farming enterprise(s) on the property, including, but not limited to: dairy, sheep/beef, dairy support, cattle, mixed cropping, horticulture (including root vegetable crops and bulbs), nursery, lifestyle.</u> 3. The FEMP contains a map(s) or aerial photograph(s) of the landholding at a scale that clearly shows the locations of: <ol style="list-style-type: none"> (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 <u>(including ephemeral or intermittent rivers / streams)</u>, streams, 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
 - (i) for land to be cultivated or intensively winter grazed:
 - (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) the slope of the land, including identification of land with a slope greater than 20 4 degrees.

4. Nutrient Budget

For all landholdings over 20ha, the FEMP contains a nutrient budget (which includes nutrient losses to the environment) calculated using the latest version of the OVERSEER model in accordance with the latest version of the OVERSEER Best Practice Data Input Standards (or an Proposed Southland Water and Land Plan (Decisions Version, 4 April 2018) Page 188

alternative model approved by the Chief Executive of Southland Regional Council), and which is repeated:

- (a) 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) each time the nutrient budget 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 accurately reflects the farming system. A record of the input data review shall be kept by the landholding owner.

5. Adverse environmental effects and risks

An assessment of the adverse environmental effects and risks associated with the farming activities on the property and how the identified effects and risks will be managed, including: irrigation, application of nutrients, effluent application, stock management, cultivation and drainage maintenance.

6. Objectives

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 and minimises losses;

- (c) **Nutrient and soil management:** To avoid where practicable, or otherwise minimise, nutrient and sediment losses from farming activities to ground and surface water to maintain or improve water quality;
- (d) **Waterways and wetland management:** To manage waterways (including ephemeral or intermittent waterways), wetlands and their margins to avoid stock damage and avoid where practicable, or otherwise minimise, inputs of nutrients, sediment and faecal contaminants to ground and surface water to maintain or improve water quality; and
- (e) **Collected animal effluent management:** To manage the operation of animal effluent systems to avoid adverse effects on water quality; and
- (f) **Drainage maintenance:** To manage drainage maintenance activities to avoid significant adverse effects on water quality and aquatic habitat.

7. The Plan shall include for each objective in 6 above:

- (a) defined measurable targets that clearly set a pathway and timeframe for achievement of the objective; and
(b) The records to be kept for measuring performance and achievement of the target.

5. 8. 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, including timeframes for full implementation of proposed good management practices. These must include practices for:
- (i) the ~~reduction~~ avoidance where practicable, or otherwise mitigation, 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 avoidance where practicable, or otherwise mitigation, of the discharge of contaminants to surface water or groundwater, with particular reference to the contaminant pathways identified for the landholding; and
 - (vi) avoidance where practicable, or otherwise mitigating, of adverse effects from drainage maintenance activities on water quality and maintaining or enhancing aquatic habitat value.
- (c) The records to be kept for measuring implementation, performance and achievement of good management practices.”

In the Environment Court of New Zealand

Christchurch Registry

ENV-2018-CHC-

Under

the Resource Management Act 1991 (**RMA**)

In the matter of

on an appeal under clause 14 of Schedule 1 of the Act in relation to Decisions on the Proposed Southland Water and Land Plan

Between

Southland Fish and Game Council

Appellant

And

Southland Regional Council

Respondent

Notice of Appeal by Southland Fish and Game Council

APPENDIX B

- 1. Copy of Fish and Game Submission - dated 1 August 2016;**
- 2. Amendment to Submission - dated 8 August 2016;**
- 3. Correction to Submission - dated 24 August 2017; and**
- 4. Further Submission - dated 19 December 2016**

Dated this 17th day of May 2018

Notice of Appeal by Southland Fish and Game Council

APPENDIX B

- 1. Copy of Fish and Game Submission on Proposed Southland Water and Land Plan
- dated 1 August 2016**
-

Notice of Appeal by Southland Fish and Game Council

APPENDIX B

- 2. Copy of Amendment to Fish and Game Submission on Southland Water and Land Plan - dated 8 August 2016**
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- 3. Copy of Correction to Fish and Game Submission on Southland Water and Land Plan - dated 24 August 2017**
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- 4. Copy of Fish and Game Further Submission on Southland Water and Land Plan - dated 19 December 2016**
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APPENDIX C

Decision Version of the Proposed Southland Water and Land Plan – dated 4 April 2018

Dated this 17th day of May 2018

In the Environment Court of New Zealand

Christchurch Registry

ENV-2018-CHC-

Under

the Resource Management Act 1991 (**RMA**)

In the matter of

on an appeal under clause 14 of Schedule 1
of the Act in relation to Decisions on the
Proposed Southland Water and Land Plan

Between

Southland Fish and Game Council

Appellant

And

Southland Regional Council

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Notice of Appeal by Southland Fish and Game Council

APPENDIX D

**List of the names and addresses of persons to be served with a copy of this Notice of
Appeal by Southland Fish and Game Council**

Dated this 17th day of May 2018
