

pSWLP – S42A Report – Planning Summary

1. I am Matthew McCallum-Clark. I am the primary author of the planning sections of the Section 42A Report.
2. Drafting the Section 42A Report was team effort. However, during the drafting process, and shortly afterwards, a number of the planning authors have left Environment Southland, either to pursue other opportunities or are on maternity leave. The departure of these authors was known well in advance of completion of the Section 42A Report. I ensured that I reviewed and appropriately adjusted the planning recommendations in the Report, so that I can confidently say that I agree with all the recommendations, and can answer questions on the planning sections.
3. In this brief presentation, I will outline the key parts of the Section 42A Report, identify some of the key issues arising in submissions, and the more significant adjustments recommended. I will then respond to the balance of the questions pre-circulated by the Hearing Panel. This short summary does not do justice to the thousands of hours collectively put into developing this proposed plan by councillors, staff and their advisors. The summary also does not do justice to the thousands of hours put in by submitters and those people consulted during development of the plan.

Structure of the Plan

4. The structure of the Proposed Southland Water and Land Plan is simple, following a relatively standard issues, objectives, policies and rules planning format. There are no explanations or unnecessary text, and only a few advice notes, where these will assist plan users. Definitions, appendices and mapping support these key parts of the plan. The structure of the plan enables Freshwater Management Unit sections to be added at a later date, when the community and planning processes for these sections have been completed. At this point in time there is no predetermination as to what those

sections might contain or how extensive the changes will need to be, when the first one is added.

5. Mr Maw's legal submissions give a concise summary of the key challenges and themes of the proposed plan.

Objectives and Policies

6. The proposed plan sets out 18 objectives. Overall, there were a relatively limited range of submissions on the objectives, with many in support. This is important, as the remainder of the provisions in the plan seek to achieve these objectives.
7. Several of these objectives recognise the importance of Ngāi Tahu values, and respond to direction set in the proposed Regional Policy Statement.
8. A wide range of policies are included in the proposed plan. These are considerably simplified from previous regional plans, and seek to provide positive direction, particularly to the consideration of resource consent applications. The policies also seek to give clarity as to the management of each of the physiographic zones, and sets out the framework for the Freshwater Management Unit processes to come.
9. There is a consistent theme within submissions on the issues, policies and rules with respect to nutrient management and physiographic zones. Due to the relatively consistent nature of the matters raised in submissions, where they address the same issues across multiple sections of the proposed plan, these submission points have generally only been dealt with once, either in the analysis of the policies or the farming policies and rules.

Water Quality

10. One of the areas in the proposed plan that contains more significant changes, and has been subject to a large number of submissions, is in relation to water quality, and the policies and rules that relate to farming in particular. The presentations from the

science team have identified a range of water quality management issues, and some tools to enable more effective and efficient responses.

11. Submissions on this part of the plan focus on a number of issues, including the challenges of dealing with urban discharges, how much reliance can be placed on industry led non-regulatory environmental improvements, what good management practices are, and the timing for their adoption, the focus on new and expanded dairying and intensive winter grazing, and the management of critical source areas.
12. The recommendations in the Section 42A Report responded to these submissions by suggesting a range of adjustments to the provisions in the plan. While there are a number of submissions that seek to effectively remove the physiographic zones from the plan, these zones are recommended to be continued, but emphasis on physiographic zones is reduced. In particular, the timing of many actions in relation to the farming rules, such as the requirement for the farm environment management plans, have been shifted to a Freshwater Management Unit basis, rather than relying on physiographic zones. Similarly, the 20 and 50 ha threshold differences between the more sensitive physiographic zones have been removed, in favour of a simple 50 ha threshold to apply across the region. The effect of these changes is that there is less differentiation between the physiographic zones, which will in particular benefit those landholdings that are split across two or more physiographic zones.
13. There is substantial analysis in the Section 42A Report on the matter of setbacks for farming activities from waterbodies, particularly for cultivation and intensive winter grazing, based on slope categories. Scientific evidence would also indicate that a large proportion of the nutrient and sediment run-off into waterbodies primarily comes from what we know as critical source areas. It is highlighted in the Section 42A Report that improved management of critical source areas could lead to more refined approaches to setbacks and slope classes. At this point, I have been unable to arrive at a commonly understood and certain definition of critical source areas, to enable this refinement within a permitted activity rule framework. I am hopeful that

submitters will respond to this challenge, so that the plan can be improved and on the ground actions made more effective and efficient.

14. I also highlight that there are conflicting issues and submissions with respect to the activity status for new and expanded dairying and intensive winter grazing across the various physiographic zones. The activity status for new and expanded dairying and intensive winter grazing has received a large number of submissions, and is one of only two parts of the Section 42A Report where I have been unable to reach a clear conclusion and make a recommendation for a specific set of provisions.
15. There are a wide range of other matters that are addressed in the proposed plan and the Section 42A Report with respect to water quality. This short summary has focused on farming activities. This does not reduce the importance of the other provisions and submissions on water quality matters.

Water Quantity

16. The water quantity provisions represent a restructuring and refinement of the existing Regional Water Plan provisions. There are a wide range of changes recommended in the Section 42A Report, many of which are of a technical and detailed nature, in order to improve the certainty of the provisions and their functioning.
17. Key points in the pSWLP include the improved management of community water supplies, both in terms of greater certainty of supply, as well as in relation to protection of water sources from possible contamination.
18. The maximum volume for permitted activity water takes have been increased in the proposed plan, and will result in a large number of relatively minor resource consents no longer being required.
19. The large scale water takes for electricity generation in the Waiau catchment, and the allocation status of that catchment, appears to be a particular issue for some submitters. Ahead of a Freshwater Management Unit process for the Waiau

catchment, the Section 42A Report authors have largely recommended maintaining a status quo in this catchment.

20. An issue that could potentially be further improved is with respect to construction related activities, and the limits set in the proposed plan. This particularly applies in relation to groundwater takes, where there is a need for dewatering for construction, which may entail an allocation limit being exceeded. This is not expected to be an issue in the majority of Southland in the short-term, but I am conscious that the proposed plan may not adequately provide for this in the future.

Other Provisions

21. There are a large number of provisions that relate to activities such as landfills, contamination, structures in the beds of lakes and rivers, gravel extraction and drainage maintenance. The majority of these provisions have been adapted and updated from provisions in the Regional Water Plan.
22. Two areas of particular contention, where there are substantial changes from the existing provisions, are in relation to the oiling of roads and stock exclusion from waterbodies.
23. The use of used oil as a dust suppressant has been occurring for many years, and the proposed plan manages this through a rule framework for the first time. This has caused some concern, both from individuals and local authorities. While the Section 42A Report recommends a number of changes to these provisions, the core of controls with respect to the use of used oil as a dust suppressant are recommended to continue.
24. The management of stock exclusion from waterbodies is substantially expanded in the proposed plan. This has been the focus of a large number of submissions. It is also an area where there is significant central government attention, with some draft standards recently released. It is highly likely that these will progress further, to the point of being mandatory requirements, during the hearing process for this plan. As

an interim step, I have recommended a suite of provisions in the Section 42A Report that largely reflect the draft national standards, and I will update these recommendations should the national standards be adopted.

25. An issue highlighted in the Section 42A Report is with respect to current failures to meet the National Bottom Lines with respect to E Coli in a small number of waterbodies. Options to improve the Council's focus on this issue are considered.

Wetlands

26. Wetlands are recognised as being significant with respect to biodiversity, mahinga kai, and also for the function of wetlands in removing contaminants, particularly nutrients and sediment from water. The scientific evidence would suggest that wetlands in Southland have substantially reduced in their extent from pre-European times, and continue to decline in extent and quality, including over recent decades. The proposed plan includes more substantial wetland protection, including by more clearly managing natural wetlands, and adopting the definition of natural wetlands from the Land and Water Forum process. In addition, there are a number of regionally significant water bodies that have been identified, and this list has been expanded through the submission process. Due to the procedure for identifying regionally significant wetlands in the proposed Regional Policy Statement, there are likely to be a range of wetlands that are regionally significant that are not included in the appendix.

Conclusion

27. In conclusion, the proposed Southland Water and Land Plan refines and updates a large number of existing planning provisions for Southland. It also makes a considerable step forward in terms of managing nutrients and sediment, incorporating Ngāi Tahu values and starting the process of implementing the National Policy Statement for Freshwater Management and the proposed Regional Policy Statement. The Section 42A Report has analysed the submissions and made a large number of recommended adjustments in response to these submissions, and officers look forward to hearing the evidence of submitters so that the plan can be further improved.