



environment
SOUTHLAND
REGIONAL COUNCIL

Te Taiao Tonga

Submission on proposed Southland Water and Land Plan

Email your completed submission to policy@es.govt.nz by 5.00pm Monday 1st August 2016

Alternatively, you can post your signed submission to:

Southland Water and Land Plan
Environment Southland
Private Bag 90116
Invercargill 9840

You can also deliver your submission to Environment Southland's North Road office or fax it on 03 211 5252.

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Claire Kelly

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Public Hearing

We wish to be heard in support of our submission.

Trade Competition

We could not gain an advantage in trade competition through this submission.

Signature:

A handwritten signature in blue ink, appearing to read 'Claire Kelly', is written over a light blue rectangular background.

Date: 1st August 2016

(Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note:

(1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

General submission

The Fertiliser Association of New Zealand (FANZ) wishes to acknowledge that the Council has amended the Proposed Plan significantly in response to comments on the Draft Plan. The Proposed Plan, as it is currently written to apply consistently over the region, is simple to use, easy to understand and is quite robust in terms of the scientific research undertaken to determine and understand the physiographic zones.

However, FANZ has the following general comments on the entire Proposed Plan.

Freshwater Management Unit's

FANZ notes that specific controls could be proposed through the Freshwater Management Unit's (FMU's). Although, at this point in time it seems that the Council is collecting data by requiring an Overseer report to be prepared but is seemingly not intending to impose controls directly related to the findings of that report.

The Proposed Plan provides for a staged approach and the opportunity for realistic time frames to implement the Plan. Linked to this is building the skill set, for example Certified Nutrient Management Advisers (currently 130 nationally) to provide sound, quality assured nutrient management plans when implementing the planning provisions.

FANZ reiterates that the mechanisms and options for managing nutrient loss on farms is the same nationally, although the standards and water quality targets may differ locally. To this end, following the Canterbury approach with individual catchment /zone committees setting different objectives, policies, rules, definitions and processes for nutrient management, makes the process difficult to understand, difficult to implement and difficult to comply with, and with no advantage in nutrient management options..

FANZ recognises the value in the local community setting water objectives, values, limits and targets, as required by the National Policy Statement for Freshwater Management 2014 (NPS-FM), and these being applied locally, but FANZ is opposed to fragmentation introduced by different policies, rules and definitions being developed by different community groups.

Physiographic Zones

It is noted that although the physiographic zones are well described for different physical circumstances, for many if not all, the consequence and management implications for farmers will be the same in many situations. For this reason, FANZ considers the physiographic zones could be grouped or combined where the management outcomes are the same.

It is described that each physiographic zone may have a predominance or combination of lateral or artificial drainage patterns, or deep drainage or overland flow or erosion patterns. These are common to all farm systems and predominance in any one physiographic zone does not mean exclusion of other water flow pathways and issues. In practical terms the farm management plans developed by Certified Nutrient Management Advisers will be expected to take into consideration predominant soil types and nutrient flow characteristics without the need for a unique planning policy based on physiographic area, unless a unique environmental outcome for the physiographic area is sought.

For example, Good Management Practice addresses the adverse effects of erosion from overland flow, artificial drainage and leaching, and should apply as appropriate, in all areas without the need to reiterate it as a specific policy for each physiographic area. The Policy should be giving direction to high level outcomes being sought, and achieving water quality limits and targets which are universal. Even though the characteristics described may predominate in some areas, e.g. deep drainage, it is unlikely to be to the exclusion of other flow paths and issues, e.g. overland flow or erosion.

Specific submission

<p>The specific provisions my submission relates to are: <i>(Specify provision number and title, e.g. Policy 17 – Effluent management)</i></p>	<p>My submission is that: <i>(Please include whether you support, oppose or wish to amend each separate provision you have listed in column 1 and the reasons for your views.)</i></p>	<p>The decision I would like Environment Southland to make is: <i>(Please give precise details of the outcomes you would like to see for each provision. The more specific you can be the easier it will be for the Council to understand the outcome you seek.)</i></p>
<p>Issues Water Quality Page 14</p> <p>Non-point source discharges, such as stormwater in towns and leaching of contaminants from rural activities, are generally caused by rainwater carrying contaminants over or through the ground to surface waterbodies or groundwater, or by stream bank and bed erosion.</p>	<p>Support.</p>	<p>Retain the Issue as notified.</p>
<p>Issues Water Quality Page 14</p> <p>Land use intensification also tends to increase the amount of contaminants entering water therefore requiring appropriate mitigations to be put in place to ensure water quality can be maintained or improved over time when intensification occurs.</p>	<p>Support in part. Amend.</p> <p>In FANZ's opinion, the reference to 'land use intensification' should be a reference to both rural and urban land uses.</p>	<p>Amend the Issue as follows:</p> <p>Land use intensification <u>(both rural and urban)</u> also tends....</p>
<p>Issues Soil Resources Page 15</p> <p>Soil Resources</p>	<p>Support.</p> <p>The Issue recognises the benefits of fertilisers.</p>	<p>Retain the Issue as notified.</p>

<p>Soil resources are fundamental to the region's primary production economy, and can assist in maintaining or enhancing water quality and supporting human health, cultural, social and economic activities.</p> <p>Discharges onto or into land can carry contaminants, including heavy metals, hydrocarbons and biological contaminants, that can create adverse effects on the quality and/or structure of the soil resource. Conversely, some contaminants, when applied appropriately, can have positive effects on the soil resource and plant growth, such as fertilisers and agricultural effluent.</p>		
<p>Physiographic Zones Pages 18 to 21</p> <p>Description of the physiographic zones.</p>	<p>Support.</p>	<p>Retain descriptions as notified.</p>
<p>Region-Wide Objectives Page 22</p> <p>Objective 1 Land and water and associated ecosystems are managed as integrated natural resources, recognising the connectivity between surface water and groundwater, and between freshwater, land and the coast.</p>	<p>Support.</p> <p>FANZ supports the general intent of recognising integrated management.</p>	<p>Retain Objective 1 as notified.</p>
<p>Region-Wide Objectives Page 22</p> <p>Objective 2 Water and land is recognised as an enabler of the economic, social and cultural wellbeing of the region.</p>	<p>Support in part. Amend.</p> <p>FANZ supports the recognition of the value of water and land as an 'enabler' of economic, social and cultural well-being, but considers that in order for economic, social and cultural well-being to be enabled, Objective 2 must be strengthened so that water and land is sustainably managed to both recognise and 'provide for' the same.</p>	<p>FANZ seeks that Objective 2 is amended as follows:</p> <p>Water and land is <u>sustainably managed to recognise and provide for</u> as an enabler of the economic, social and cultural wellbeing of the region.</p>

<p>Region-Wide Objectives Page 22</p> <p>Objective 6 There is no reduction in the quality of freshwater, and water in estuaries and coastal lagoons, by: (a) maintaining the quality of water in waterbodies, estuaries and coastal lagoons, where the water quality is not degraded; and (b) improving the quality of water in waterbodies, estuaries and coastal lagoons, that have been degraded by human activities.</p>	<p>Support in part. Amend.</p> <p>FANZ supports the Objective as it is consistent with the NPS-FM but requires amendment to recognise the need to improve water quality, if it is degraded by human activities to the point of being over-allocated.</p> <p>It should be noted that “pristine” is not required everywhere and that acceptable standards apply.</p>	<p>Amend Objective 6 as follows:</p> <p>There is no reduction in the quality of freshwater, and water in estuaries and coastal lagoons, by: (a) maintaining the quality of water in waterbodies, estuaries and coastal lagoons, where the water quality is not degraded; and (b) improving the quality of water in waterbodies, estuaries and coastal lagoons, that have been degraded by human activities <u>to the point of being over-allocated.</u></p>
<p>Region-Wide Objectives Page 22</p> <p>Objective 7 Any further over-allocation of freshwater (water quality and quantity) is avoided and existing over-allocation is phased out in accordance with timeframes established under Freshwater Management Unit processes.</p>	<p>Support in part. Amend.</p> <p>Under the NPS-FM, setting objectives and limits effectively determines what constitutes over allocation in an FMU. Furthermore, objectives should contain numeric terms where possible.</p> <p>FANZ suggests that the Objective be amended to refer to providing for the purpose of the RMA as an overarching objective i.e. sustainable development and providing for people’s economic and social wellbeing.</p>	<p>Amend Objective 7 as follows:</p> <p>For Any further over-allocation of freshwater (water quality and quantity) the purpose of the RMA will be met by avoiding over-allocation and phasing out is avoided and existing over-allocation is phased out in accordance with the objectives and timeframes established under the Freshwater Management Unit processes.</p>
<p>Region-Wide Objectives Page 22</p> <p>Objective 8 (a) The quality of water in aquifers that meet both the Drinking-Water Standards for New Zealand 2005 (revised 2008) and any freshwater objectives, including for connected surface waterbodies, established under Freshwater Management Unit processes is maintained; and (b) The quality of water in aquifers that have been degraded by land use and discharge activities (with the exception of those aquifers where</p>	<p>Support.</p>	<p>Retain Objective 8 as notified.</p>

<p>ambient water quality is naturally less than the Drinking-Water Standards for New Zealand 2005 (revised 2008)) is improved.</p>		
<p>Region-Wide Objectives Page 23</p> <p>Objective 13 Enable the use and development of land and soils, provided: (a) the quantity, quality and structure of soil resources are not irreversibly degraded through land use activities and discharges to land; (b) the discharge of contaminants to land or water that have significant or cumulative effects on human health are avoided; and (c) adverse effects on ecosystems (including diversity and integrity of habitats), amenity values, cultural values and historic heritage values are avoided, remedied or mitigated to ensure these values are maintained or enhanced.</p>	<p>Support in part. Amend.</p> <p>FANZ suggests that clause (a) of the Objective should be reworded. The phrase ‘irreversibly degraded’ is a relatively extreme outcome and it would be preferable to refer to the maintenance and enhancement of the quality of the soil resource.</p>	<p>FANZ seeks to amend Objective 13 as follows:</p> <p>Enable the use and development of land and soils, provided: (a) — the quantity, quality and structure of soil resources are not irreversibly degraded through land use activities and discharges to land; (a) <u>The biological, chemical and physical soil properties are maintained or enhanced;</u> (b) the discharge of contaminants to land or water that have significant or cumulative <u>adverse</u> effects on human health are avoided; and (c) adverse effects on ecosystems (including diversity and integrity of habitats), amenity values, cultural values and historic heritage values are avoided, remedied or mitigated to ensure these values are maintained or enhanced.</p>
<p>Region-Wide Objectives Page 24</p> <p>Objective 18 All activities operate at “good (environmental) management practice” or better to optimise efficient resource use and protect the region’s land, soils, and water from quality and quantity degradation.</p>	<p>Oppose Amend</p> <p>Good Management Practice needs to be defined in the Plan. Good Management Practice provides a nationally consistent description.</p> <p>This objective appears to require that for all activities, environmental management practices are placed above all other considerations for management of land use activities and so could have unintended consequences.</p> <p>By requiring environmental practices to take precedence above and beyond good farm systems management, giving effect to this</p>	<p>FANZ seeks that Objective 18 is deleted.</p>

	<p>objective could have significant economic and social consequences.</p> <p>Recognising that good management practices for farming provides for environmental responsibility, and that some environmental outcomes will require practices above and beyond Good Management Practices, FANZ recommends to delete this objective.</p> <p>FANZ considers that good practice is a method to achieve the objectives. The objectives providing for the sustainable management of the natural and physical resources are already well defined by Objectives 1-17.</p>	
<p>Physiographic Zone Policies Page 26</p> <p>Policy 4 – Alpine In the Alpine physiographic zone, avoid, remedy, or mitigate erosion and adverse effects on water quality from contaminants, by:</p> <ol style="list-style-type: none"> 1. requiring implementation of good management practices to manage erosion and adverse effects on water quality from contaminants transported via overland flow; 2. having particular regard to adverse effects of contaminants transported via overland flow when assessing resource consent applications and preparing or considering management plans; 3. prohibiting dairy farming, and intensive winter grazing and strongly discouraging the granting of resource consents for cultivation. 	<p>Oppose. Amend.</p> <p>FANZ considers that it should be the effects of an activity that are managed rather than the land-use itself. The policies seek to prohibit some activities and direct that the granting of consents for other activities will be ‘strongly discouraged’. The term “<i>strongly discourage</i>” when used in a policy is vague and inappropriate particularly if it is not shown to be effects based. FANZ considers that it is not appropriate to discourage dairy or any other land use activity, where the adverse effects can be satisfactorily avoided, mitigated or remedied as required under the RMA. The policies should also be sufficiently robust and broad to manage the effects of all current and future land uses.</p>	<p>Delete Policies 4 to 12 and replace with the following:</p> <p><u>In all the physiographic zones, avoid, remedy, or mitigate adverse effects of any land use activities on water quality, by:</u></p> <ul style="list-style-type: none"> • <u>managing the transport of contaminants, and</u> • <u>implementing Good Management practices, and</u> • <u>addressing the specific environmental risk to water quality identified for each physiographic area.</u>
<p>Physiographic Zone Policies Page 26</p> <p>Policy 5 – Central Plains</p>	<p>The overall outcome of the policies to control sediment, nitrogen, phosphorus and microbial</p>	

<p>In the Central Plains physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:</p> <ol style="list-style-type: none"> 1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage and deep drainage; 2. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage and deep drainage when assessing resource consent applications and preparing or considering management plans 	<p>contaminants is consistent for all physiographic areas. Although the predominant pathway is different in each, no pathway is excluded from any zones. The methods to address them are also principally the same: Good Management Practices and Nutrient management plans/ Farm Management Plans will target identified risk areas.</p> <p>FANZ therefore suggests that Policies 4 to 12 are grouped for simplicity and reworded for ease of understanding: the beginning of the policy sets out its aim to avoid, remedy and mitigate adverse effects on water quality. The Policy does not need to repeat this intent in clause 1.</p>	
<p>Physiographic Zone Policies Page 26</p> <p>Policy 6 – Gleyed</p> <p>In the Gleyed physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:</p> <ol style="list-style-type: none"> 1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant; 2. having particular regard to 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 management plans. 		
<p>Physiographic Zone Policies Page 27</p> <p>Policy 7 – Bedrock/Hill Country</p> <p>In the Bedrock/Hill Country physiographic zone, avoid, remedy, or mitigate erosion and adverse effects on water quality from contaminants, by:</p> <ol style="list-style-type: none"> 1. requiring implementation of good management practices to manage erosion and adverse effects on water quality from contaminants transported 		

<p>via overland flow and artificial drainage where relevant;</p> <p>2. having particular regard to adverse effects on water quality from contaminants transported via overland flow and artificial drainage where relevant when assessing resource consent applications and preparing or considering management plans.</p>		
<p>Physiographic Zone Policies Page 27</p> <p>Policy 8 – Lignite-Marine Terraces</p> <p>In the Lignite–Marine Terraces physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:</p> <p>1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via overland flow and artificial drainage where relevant;</p> <p>2. having particular regard to adverse effects on water quality from contaminants transported via overland flow and artificial drainage where relevant when assessing resource consent applications and preparing or considering management plans.</p>		
<p>Physiographic Zone Policies Page 27</p> <p>Policy 9 – Old Mataura</p> <p>In the Old Mataura physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:</p> <p>1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage;</p> <p>2. having particular regard to adverse effects on water quality from contaminants transported via deep drainage when assessing resource consent</p>		

<p>applications and preparing or considering management plans; 3. strongly discouraging the granting of resource consents for additional dairy farming of cows and additional intensive winter grazing.</p>		
<p>Physiographic Zone Policies Page 27 Policy 10 – Oxidising In the Oxidising physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:</p> <ol style="list-style-type: none"> 1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant; 2. having particular regard to 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 management plans; 		
<p>Physiographic Zone Policies Page 27 Policy 11 – Peat Wetlands In the Peat Wetlands physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:</p> <ol style="list-style-type: none"> 1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, deep drainage, and lateral drainage; 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 management plans; 		

<p>3. strongly discouraging the granting of resource consents for additional dairy farming of cows and additional intensive winter grazing.</p>		
<p>Physiographic Zone Policies Page 28 Policy 12 – Riverine In the Riverine physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by: 1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant; 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 management plans.</p>		
<p>Water Quality Page 29 Policy 13 – Management of land use activities and discharges Manage land use activities and discharges (point source and non-point source) to land and water so that water quality and the health of humans, domestic animals and aquatic life, is protected.</p>	<p>Support in part Amend. FANZ seeks that water quality is maintained or improved, where degraded by human activities to the point of being over-allocated and not protected. Furthermore, the Plan should maintain and improve water quality for domestic and farmed animals.</p>	<p>FANZ seeks that Policy 13 is amended as follows: Manage land use activities and discharges (point source and non-point source) to land and water so that water quality <u>is maintained or improved where degraded to the point of being over-allocated,</u> and the health of humans, domestic <u>animals and aquatic life, is protected are provided for.</u></p>
<p>Water Quality Page 29 Policy 14 – Preference for discharges to land Prefer discharges to land, rather than direct discharges to water.</p>	<p>Support in part Amend. FANZ considers that this is a poorly worded policy. It is assumed that it is referring to both point source and non-point source discharges. Furthermore, the Policy as currently worded is not consistent with the proposed Southland Regional</p>	<p>FANZ seeks that Policy 14 is amended as follows: <u>When considering applications for discharges, Preference will be given to discharges to land, rather than direct discharges to water- <u>where:-</u></u></p>

	<p>Policy Statement (Policy WQAL.7 – Preference for discharge to land. As such, FANZ considers that Policy 14 should be adjusted accordingly to be consistent with the proposed Southland Regional Policy Statement (decisions version) which reads as follows:</p> <p><i>“Policy WQAL.7 – Preference for discharge to land Prefer discharges of contaminants to land over discharges of contaminants to water, where: (a) a discharge to land is practicable; (b) the adverse effects associated with a discharge to land are less than a discharge to water. “</i></p>	<p>(a) <u>a discharge to land is practicable;</u></p> <p>(b) <u>the adverse effects associated with a discharge to land are less than a discharge to water.</u></p>
<p>Water Quality Page 29</p> <p>Policy 15 – Maintaining and improving water quality Maintain and improve water quality by: 1. despite any other policy or objective in this Plan, avoiding new discharges to surface waterbodies that will reduce water quality beyond the zone of reasonable mixing; 2. avoiding point source and non-point source discharges to land that will reduce surface or groundwater quality, unless the adverse effects of the discharge can be avoided, remedied or mitigated; 3 avoiding land use activities that will reduce surface or groundwater quality, unless the adverse effects can be avoided, remedied or mitigated; and 4. avoiding discharges to artificial watercourses that will reduce water quality in a river, lake or modified watercourse beyond the zone of reasonable mixing;</p>	<p>Support in part Amend.</p> <p>FANZ is concerned that the ‘zone of reasonable mixing’ is not easily applied to diffuse discharges. As artificial watercourses include farm drainage channels, the Policy may require diffuse discharges to be treated or inputs reduced from overland flows. Alternatively water in artificial drains will need to be treated prior to discharge. It is acknowledged that the discharge into a lake or river from an artificial drain will be a point-source discharge. The issue may be that a number of landholdings drain to the same drain and coordination is required to treat the discharge.</p> <p>Furthermore FANZ questions why all water in a lake, river or modified watercourse needs to meet the Drinking-Water Standards for NZ.</p> <p>Also parts 2 and 3 are potentially contrary to Policy 4 that seeks to prohibit activities or Policies</p>	<p>FANZ seeks that Policy 15 is amended as follows:</p> <p>Maintain and <u>or</u> improve water quality by: 1. despite any other policy or objective in this Plan, avoiding new discharges to surface waterbodies that will reduce water quality beyond the zone of reasonable mixing; 2. avoiding point source and non-point source discharges to land that will reduce surface or groundwater quality, unless the adverse effects of the discharge can be avoided, remedied or mitigated; 3 avoiding land use activities that will reduce surface or groundwater quality, unless the adverse effects can be avoided, remedied or mitigated; and 4. avoiding control <u>avoiding control</u> discharges to artificial watercourses that will reduce water quality in a river, lake or modified <u>modified</u> watercourse beyond the zone of reasonable mixing; so that:</p>

<p>so that:</p> <ol style="list-style-type: none"> 1. water quality is maintained where it is better than the water quality standards specified in Appendix E “Water Quality Standards”; or 2. water quality is improved where it does not meet the water quality standards specified in Appendix E “Water Quality Standards”; and 3. water quality meets the Drinking-Water Standards for New Zealand 2005 (revised 2008); and 4. ANZECC sediment guidelines (as shown in Appendix C of this Plan) are met. 	<p>9, 11 and 12 that seek to ‘strongly discourage’ to avoid, remedy or mitigate effects on water quality.</p> <p>The Policy cannot achieve maintain <u>and</u> improve, it should read maintain ‘or’ improve.</p> <p>FANZ also notes that the ANZECC sediment guidelines are required to be met. The ANZECC sediment guidelines sets trigger values at which point a management response is required, not a threshold that must be met.</p>	<ol style="list-style-type: none"> 1. water quality is maintained where it is better than the water quality standards specified in Appendix E “Water Quality Standards”; or 2. water quality is improved where it does not meet the water quality standards specified in Appendix E “Water Quality Standards”; and 3. water quality meets the Drinking-Water Standards for New Zealand 2005 (revised 2008); and 4. ANZECC sediment <u>guidelines trigger values</u> (as shown in Appendix C of this Plan) are met not exceeded or if exceeded, <u>investigated to assess potential for risk.</u>
<p>Water Quality Page 30</p> <p>Policy 16 – Farming activities that affect water quality</p> <p>1. Minimising the environmental effects (including on the quality of water in rivers, coastal lakes, lagoons, tidal estuaries, salt marshes and coastal wetlands, and groundwater) from farming activities by:</p> <p>(a) strongly discouraging the establishment of new dairy farming or new intensive winter grazing activities in close proximity to sensitive waterbodies identified in Appendix Q;</p> <p>(b) strongly discouraging applications to establish new, or further intensify existing dairy farming of cows or intensive winter grazing activities where the effects on the quality of water, including cumulatively, of groundwater, waterbodies, coastal lakes, lagoons, tidal estuaries, salt marshes and coastal wetlands cannot be avoided or fully mitigated or in areas where water quality is already degraded to the point of being over-allocated.</p>	<p>Oppose Amend.</p> <p>Clause 1</p> <p>The wording of the Policy requires all ‘environmental’ effects (including on water quality) to be minimised, whereas FANZ suggests that the Policy should refer to ‘adverse’ effects.</p> <p>FANZ is also concerned with the use of the words ‘strongly discourage’. The RMA is not a ‘no effects’ statute, although FANZ understands that there may be instances when the adverse effects of an activity should be avoided or fully mitigated due to the sensitivity of the receiving environment. However, FANZ seeks that such activities are controlled through methods such as rules rather than the Policy.</p> <p>Furthermore, the Policy should address the effects of activities rather than specific land uses. FANZ also notes that there are no rules that</p>	<p>FANZ seeks that Policy 16 is deleted and rewritten as follows:</p> <p><u>Minimise the adverse effects (including on the quality of water in rivers, coastal lakes, lagoons, tidal estuaries, salt marshes and coastal wetlands, and groundwater) of farming activities by:</u></p> <p>(a) <u>avoiding, remedying or mitigating the adverse effects of farming activities on water quality, and</u></p> <p>(b) <u>controlling farming activities in close proximity to the sensitive water bodies in Appendix Q, and</u></p> <p>(c) <u>controlling new intensive farming and intensification of existing farming activities, where effects cannot be avoided, remedied or mitigated, in areas where water quality is already degraded to the point of being over-allocated.</u></p> <p>(d) <u>requiring all farm activities to implement Farm Management Plans as set out in Appendix N that manage:</u></p>

<p>2. Requiring all farming activities, including existing activities, to:</p> <p>(a) either implement a Management Plan, as set out in Appendix N, or be listed on the Environment Southland Register of Independently Audited Self-Management Participants;</p> <p>(b) actively manage sediment run-off risk from farming and hill country development by requiring setbacks from waterbodies, riparian planting, limits on areas or duration of exposed soils and the prevention of stock entering surface waterbodies;</p> <p>(c) manage collected and diffuse run-off and leaching of nutrients, microbial contaminants and sediment through the identification and management of higher risk physiographic zones on a regional scale, and critical source areas within individual properties.</p>	<p>specifically apply to farming activities in close proximity to sensitive waterbodies.</p> <p>It is also noted that the reasons why waterbodies are deemed to be sensitive are not recorded in the Plan.</p> <p>Clause 2</p> <p>Part (a) should refer to 'Farm' Management Plan (FMP).</p> <p>(b) This should refer to hill country 'farming' not 'development'. The provisions required are open ended, e.g. riparian planting and duration of exposed soils, no livestock in any surface waterbody, and if taken to the extreme, any farming activity could become unaffordable and impractical. These matters should be addressed in the Farm Management Plan and implemented where practicable, over a staged timeframe to provide for developing capability to deliver, while identifying priority areas.</p> <p>(c) Identification of critical source areas within individual properties will be achieved through FMPs.</p>	<ul style="list-style-type: none"> • <u>sediment loss,</u> • <u>diffuse runoff,</u> • <u>nutrient leaching and</u> • <u>microbial contaminants in waterway, or.</u> <p><u>be listed on the Environment Southland Register of Independently Audited Self-Management Participants.</u></p> <p><u>(note implementation should be staged to provide for developing capability to deliver, and identifying priority areas).</u></p>
<p>Activities that affect water quality and quantity Page 36</p> <p>Policy 36 – Manage land contamination Require the best practicable option be adopted to prevent or minimise adverse effects from contaminated land or a discharge of a hazardous substance.</p>	<p>Support.</p> <p>However, FANZ seeks that a definition of 'best practicable option' is included in the Proposed Plan.</p>	<p>Retain Policy 36 as notified.</p> <p>Include a definition of 'best practicable option' as follows: <u>"best practicable option, in relation to a discharge of a contaminant or an emission of noise: means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to—</u> <u>(a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse</u></p>

		<u>effects; and</u> <u>(b) the financial implications, and the effects on the environment, of that option when compared with other options; and</u> <u>(c) the current state of technical knowledge and the likelihood that the option can be successfully applied”</u>
<p>Consideration of Resource Consent Applications Page 38</p> <p>Policy 39 – Application of the permitted baseline When considering any application for resource consent for the use of land for a farming activity, Environment Southland will consider all adverse effects of the proposed activity on water quality, whether or not this Plan permits an activity with that effect.</p>	<p>Oppose. Delete.</p> <p>Part 104(2) of the RMA states that ‘When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect’. Section 95D(b) and s95E(2)(a) state that adverse effects can be disregarded if permitted by a national environmental standard or a rule.</p> <p>These are not requirements given the use of the words ‘may’ and ‘can’. It may be inappropriate to apply the permitted baseline:</p> <ul style="list-style-type: none"> • where the application of the baseline would be inconsistent with Part 2 of the RMA • where the baseline claimed by the applicant is fanciful or not credible • where the application of the baseline would be inconsistent with objectives and policies in the plan • applying the permitted baseline in relation to controlled activities. <p>FANZ considers that the Policy is not required given the directions under the RMA.</p>	<p>Delete Policy 39.</p>
<p>Consideration of Resource Consent Applications Page 38</p>	<p>Support in part. Amend.</p>	<p>FANZ seeks that Policy 40 is amended as follows:</p>

<p>Policy 40 – Determining the term of resource consents When determining the term of a resource consent consideration will be given, but not limited, to:</p> <ol style="list-style-type: none"> 1. granting a shorter duration when there is uncertainty regarding the nature, scale, duration and frequency of adverse effects from the activity or the capacity of the resource; 2. relevant tangata whenua values and Ngāi Tahu indicators of health; 3. the duration sought by the applicant, plus material to support the duration sought; 4. the permanence and economic life of any capital investment; 5. the desirability of applying a common expiry date for water permits that allocate water from the same resource or land use and discharges that may affect the quality of the same resource; 6. the applicant’s compliance with the conditions of any previous resource consent; and 7. the timing of development of FMU sections of this Plan, and whether granting a shorter or longer duration will better enable implementation of the any revised frameworks established in those sections. 	<p>FANZ is concerned that the Council cannot lawfully consider clause 6 when determining the term of a resource consent.</p>	<p>Policy 40 – Determining the term of resource consents When determining the term of a resource consent consideration will be given, but not limited, to:</p> <ol style="list-style-type: none"> 1. granting a shorter duration when there is uncertainty regarding the nature, scale, duration and frequency of adverse effects from the activity or the capacity of the resource; 2. relevant tangata whenua values and Ngāi Tahu indicators of health; 3. the duration sought by the applicant, plus material to support the duration sought; 4. the permanence and economic life of any capital investment; 5. the desirability of applying a common expiry date for water permits that allocate water from the same resource or land use and discharges that may affect the quality of the same resource; 6. the applicant’s compliance with the conditions of any previous resource consent; and 7. the timing of development of FMU sections of this Plan, and whether granting a shorter or longer duration will better enable implementation of the any revised frameworks established in those sections.
<p>Consideration of Resource Consent Applications Page 38</p> <p>Policy 41 - Matching monitoring to risk Consider the magnitude of environmental effects and risk when determining requirements for auditing and supply of monitoring information on resource consents.</p>	<p>Support.</p> <p>FANZ supports the risk based approach with proportionate response and requirements.</p>	<p>Retain Policy 41 as notified.</p>
<p>Freshwater Management Unit Process Policies Page 40</p> <p>Policy 45 – Priority of FMU policies and rules</p>	<p>Support in part. Amend.</p> <p>Recognising the NPS-FM requires objectives, values and attributes to be set for each</p>	<p>FANZ seeks that Policy 45 is amended to provide for the introduction at the FMU level, of water quality limits and targets to be implemented using region wide rules and policies:</p>

<p>1. In response to Ngāi Tahu and community aspirations and local water quality and quantity issues, FMU sections may include additional catchment-specific objectives and policies. These FMU objectives and policies will be read and considered together with the region-wide objectives and policies. Any policy on the same subject matter in the relevant FMU section of this Plan prevails over the relevant policy within this Regional Policies Section, unless it is explicitly stated to the contrary.</p> <p>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 policies and will not deviate from the structure and methodology outlined in these Process Policies.</p> <p><i>Note: As the FMU sections are developed in a specific geographical area, it is 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.</i></p>	<p>Freshwater Management Units and for these to be achieved through limits and targets, FANZ is opposed to the development of new policies and subsequent rules at the FMU level. Experience in Canterbury shows that this approach leads to excessively complicated rules, high levels of confusion, with difficulties in implementation and difficulties in compliance. Widely contrasting rules further compound difficulties in implementation for farms which straddle zone boundaries.</p> <p>The RMA schedule 1 process for developing the Zone specific policies and rules is very repetitive, long and very expensive for all parties.</p> <p>Support is given to the retention of Region wide Objectives and Policies and rules and providing for wider community engagement.</p> <p>This approach provides for a more straightforward implementation.</p>	<p>1. In response to Ngāi Tahu and community aspirations and local water quality and quantity issues, FMU sections may include additional catchment-specific objectives <u>as well as values and attributes and policies</u>. These FMU objectives <u>and policies will be achieved through limits and methods but should be</u> read and considered together with the region-wide objectives and policies <u>and rules</u>. Any policy on the same subject matter in the relevant FMU section of this Plan <u>prevails over the relevant policy within this Regional Policies Section, unless it is explicitly stated to the contrary.</u></p> <p>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 policies <u>or rules</u> and will not deviate from the structure and methodology outlined in these Process Policies.</p>
<p>Freshwater Management Unit Process Policies Page 40</p> <p>Policy 46 – Identified FMUs The FMU Sections of this Plan are based on the following identified Freshwater Management Units for Southland, as shown on Map Series 7: Freshwater Management Units:</p> <ul style="list-style-type: none"> • Fiordland and the islands; • Aparima; • Maitai; • Ōreti; and • Waiau. 	<p>Oppose. Amend.</p> <p>The identification of FMUs is supported. However, Policy 46 serves no purpose and could be replaced by a schedule.</p>	<p>Delete Policy 46 and replace with a schedule.</p>
<p>Freshwater Management Unit Process Policies Page 41</p>	<p>Support.</p>	<p>Retain Policy 47 as notified.</p>

<p>Policy 47 FMU Processes The FMU sections will:</p> <ol style="list-style-type: none"> 1. establish freshwater objectives for each catchment, 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; 2. set water quality and water quantity limits and targets to achieve the freshwater objectives; 3. set methods to phase out any over-allocation, within a specified timeframe; and 4. assess water quality and quantity based on Ngāi Tahu indicators of health. 	<p>The FMU processes described in Policy 47 are consistent with the NPS-FM.</p>	
<p>Region-wide Rules Page 42</p> <p>Rule 2 Any rule on the same subject matter in the relevant FMU section of this Plan prevails over the relevant rule within the Regional Rules Section, unless it is explicitly stated to the contrary in any applicable rule in this Plan.</p>	<p>Oppose Amend.</p> <p>FANZ cautions against complex rules based on the objectives in the FMU. Clarity and simplicity is provided by region wide rules, but limits, targets and attributes for water quality can still be set at a local level.</p> <p>While the principle in proposed Rule 2 of regional consistency is supported, if the rules are applied regionally, with locally set targets and limits, then Rule 2 is redundant.</p>	<p>Delete Rule 2 on the understanding that rules are applied regionally, to meet locally set targets and limits, and there are no new, locally set rules in the FMU section of the Plan.</p>
<p>Region-wide Rules Page 43</p> <p>Rule 5 – Discharges to surface waterbodies that meet water quality standards Except as provided for elsewhere in this Plan the discharge of any:</p> <ol style="list-style-type: none"> (a) contaminant, or water, into a surface waterbody; or (b) contaminant onto or into land in circumstances where it may enter a surface waterbody; 	<p>Support</p> <p>This rule is supported on the proviso that fertiliser is exempt from this rule and is provided for elsewhere in the plan. As fertiliser is classified as a contaminant under the RMA, and this rule applies to discharges of contaminants to land where it might enter a water body, FANZ is opposed to fertiliser being captured by this rule.</p>	<p>Retain Rule 5 on the proviso that fertiliser application to land where it may enter a surface water body is provided for elsewhere in the Plan.</p>

<p>is a discretionary activity provided the following condition is met: (i) the discharge does not reduce the water quality below any standards set for the relevant waterbody in Appendix E “Water Quality Standards” at the downstream edge of the reasonable mixing zone; and (ii) the discharge does not contain any raw sewage.</p>	<p>The Rule could apply to non-point source discharges and as previously noted, a reasonable mixing zone cannot be easily applied to such discharges.</p>	
<p>Region-wide Rules Page 43</p> <p>Rule 7 – Other discharges to water Except as provided for elsewhere in the Plan, the discharge of any contaminant or water into water is a discretionary activity.</p>	<p>Support in part Amend.</p> <p>FANZ suggests that this Rule only applies to groundwater as ‘other’ discharges to surface water are provided for under Rule 5. The plan should be clear to aid in interpretation and implementation.</p>	<p>FANZ seeks that Rule 7 is amended as follows:</p> <p>Rule 7 – Other dDischarges to groundwater Except as provided for elsewhere in the Plan, the discharge of any contaminant or water into <u>groundwater</u> is a discretionary activity.</p> <p>Or in the alternative combine with Rule 5.</p>
<p>Region-wide Rules Page 46</p> <p>Rule 14 – Discharge of fertiliser (a) The discharge of fertiliser in circumstances where contaminants may enter water is a permitted activity provided the following conditions are met: (i) there is no direct discharge of fertiliser into a surface waterbody, water in an artificial watercourse or into groundwater; and (ii) there is no fertiliser discharged when the soil moisture exceeds field capacity; and (iii) where any permanently flowing river, lake, lagoon, estuary, artificial watercourse or wetland: (1) has riparian planting from which stock is excluded, fertiliser may be discharged up to the paddock-side edge of the riparian planting, but not onto the riparian planting, except for fertiliser required to establish the planting; or</p>	<p>Support in part. Amend.</p> <p>FANZ notes that it appears that ‘identified significant indigenous biodiversity site’ has been added to the end of the rule but it doesn’t quite fit as rules relate to contaminants that may enter water. Rule needs rewording as part (b) does not apply to significant indigenous biodiversity site.</p> <p>Whilst FANZ understands that the rule is discouraging the use of fertilisers directly onto water or in close proximity to water, however it is suggested that a Restricted Discretionary Activity status can be applied to achieve these aims.</p>	<p>FANZ seeks that Rule 14 is amended as follows:</p> <p>Rule 14 – Discharge of fertiliser (a) The discharge of fertiliser in circumstances where contaminants may enter water is a permitted activity provided the following conditions are met: (i) there is no direct discharge of fertiliser into a surface waterbody, water in an artificial watercourse or into groundwater; and (ii) there is no fertiliser discharged when the soil moisture exceeds field capacity; and (iii) <u>there is no fertiliser discharged directly into or within 10 metres of the boundary of any identified significant indigenous biodiversity site; and.</u> (iii) (iv) where any permanently flowing river, lake, lagoon, estuary, artificial watercourse or wetland: (1) has riparian planting from which stock is excluded, fertiliser may be discharged up to the paddock-side edge of the riparian planting, but</p>

<p>(2) does not have riparian planting from which stock is excluded, fertiliser is not discharged directly into or within 10 metres of the bed or within 10 metres of a wetland boundary or any identified significant indigenous biodiversity site. (b) The discharge of fertiliser 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>not onto the riparian planting, except for fertiliser required to establish the planting; or (2) does not have riparian planting from which stock is excluded, fertiliser is not discharged directly into or within 10 metres of the bed or within 10 metres of a wetland boundary or any identified significant indigenous biodiversity site. (b) The discharge of fertiliser in circumstances where the fertiliser may enter water that does not meet the conditions of Rule 14(a) is a non-complying <u>restricted discretionary</u> activity. <u>Council will restrict its discretion to the matters included in the permitted activity condition that are not met.</u></p>
<p>Discharge Rules. Page 46.</p> <p>Rule 15 – Discharge of Stormwater (a) The discharge of stormwater onto or into land in circumstances where contaminants may enter water or into a surface waterbody, including an artificial watercourse, is a permitted activity provided the following conditions are met: (i) the discharge is not from a reticulated system; (ii) the discharge does not originate from industrial or trade premises where hazardous substances are stored or used unless: (1) hazardous substances cannot enter the stormwater system; or (2) there is an interceptor system in place to collect stormwater that may contain hazardous substances and discharge or divert it to a trade waste system; or (3) the stormwater contains no hazardous substances except oil and grease and the stormwater is passed through an oil interceptor system prior to discharge; and</p>	<p>Support in part. Amend.</p> <p>FANZ supports the intent of the permitted activity status in Rule 15 (a), but it considers the activity status for (b) is more appropriate as a Restricted Discretionary status with Council restricting its discretion to matters included in the condition that are not met, and the activity status of (c) should be discretionary.</p>	<p>Amend Rule 15 as follows:</p> <p>(a) The discharge of stormwater onto or into land in circumstances where contaminants may enter water or into a surface waterbody, including an artificial watercourse, is a permitted activity provided the following conditions are met: (b) The discharge of stormwater onto or into land in circumstances where contaminants may enter water or into a surface waterbody that does not meet one or more of the conditions in Rule 15(a), excluding condition (a)(iii) is a <u>restricted discretionary</u> activity. <u>Council will restrict its discretion to the matters included in the permitted activity condition that are not met.</u> (c) The discharge of stormwater onto or into land in circumstances where contaminants may enter water or into a surface waterbody that does not meet Rule 15(a)(iii) is a non-complying <u>discretionary</u> activity.</p>

<p>(iii) the discharge does not contain any sewage, contaminants from on-site wastewater systems and mobile toilets, or agricultural effluent;</p> <p>(iv) for discharges to a surface waterbody, the discharge does not result in:</p> <p>(1) the production of any conspicuous oil or grease films, scums, foams or floatable or suspended materials;</p> <p>(2) the rendering of freshwater unsuitable for the consumption by farm animals;</p> <p>(3) significant adverse effects to aquatic life;</p> <p>(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</p> <p>(vi) for discharges to land, the discharge does not cause flooding, erosion, or land instability to any other person's property.</p> <p>(b) The discharge of stormwater onto or into land in circumstances where contaminants may enter water or into a surface waterbody that does not meet one or more of the conditions in Rule 15(a), excluding condition (a)(iii) 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 surface waterbody that does not meet Rule 15(a)(iii) is a non-complying activity.</p>		
<p>Land Use Rules. Pages 49 – 50.</p> <p>Rule 20 – Farming</p> <p>(a) The use of land for a farming activity on a landholding that is less than 20 hectares is a permitted activity.</p> <p>(b) Until 30 May 2018, the use of land for a farming activity in the Oxidising, Riverine or Peat Wetlands Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity.</p>	<p>Support in part. Amend.</p> <p>FANZ supports the intent to provide for farming on less than 20 hectares as a permitted activity and the staged implementation of the rules.</p> <p>The rules should refer to 'Farm' Management Plan.</p> <p>FANZ questions whether Rule (e) is necessary. It appears to overlap with Rules (f), (g) and (h).</p>	<p>Rewrite Rule 20 as follows:</p> <p><u>Rule 20 A</u> <u>The use of land for a farming activity on a landholding that is less than 20 hectares is a permitted activity.</u></p> <p><u>Rule 20B</u> <u>The use of land for a farming activity, other than dairy farming of cows or intensive winter grazing, is a permitted activity;</u></p>

<p>(c) Until 30 May 2019, the use of land for a farming activity in the Central Plains, Bedrock/Hill Country or Gleyed Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity.</p> <p>(d) Until 30 May 2020, the use of land for a farming activity in the Old Matura or Lignite-Marine Terraces Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity.</p> <p>(e) Despite any other rule, from 30 May 2018 the use of land for the farming of sheep, deer or beef on a landholding that is between 20 hectares and 100 hectares in area is a permitted activity, provided the following condition is met:</p> <p>(i) a Management Plan is prepared and implemented in accordance with Appendix N, but excluding part 4 (Nutrient Budget), which includes mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the property on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.</p> <p>(f) From 30 May 2018, the use of land for a farming activity in the Oxidising, Riverine or Peat Wetlands Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity, provided the following condition is met:</p> <p>(i) a Management Plan is prepared and implemented in accordance with Appendix N, including mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the property on which the activity is undertaken is listed on the Environment Southland Register of</p>	<p>Rule (e) provides for the use of land for the farming of sheep, deer or beef on a landholding that is between 20 hectares and 100 hectares in area as a Permitted Activity from 30 May 2018 provided a FMP is prepared and implemented. Rules (f), (g) and (h) provide for the use of land for a farming activity in the Physiographic Zones, other than dairy farming of cows or intensive winter grazing, as a permitted activity from 30 May 2018 provided a FMP is prepared and implemented.</p> <p>FANZ considers that non-compliance with Rules 20 (f), (g) and (h) should be a Restricted Discretionary Activity as the matters of relevance will be related to not preparing and implementing a FMP. Also this Rule applies to farming other than dairy farming and intensive winter grazing, therefore it is appropriate to apply a less stringent activity status.</p> <p>Overall, FANZ is concerned that as written Rule 20 is very complex and difficult to follow. It is suggested that the Rule should be written as separate rules.</p> <p>FANZ is concerned that the rules are not effects based i.e. Rule 20 seeks to control certain activities rather than the effects of an activity. FANZ considers that the Rule should seek to manage activities based on their potential effects i.e. the amount of nitrogen loss and whether potential effects can be avoided, remedied or mitigated. However FANZ recognises that this would require further work to determine appropriate catchment limits and/or permitted nitrogen loss (kg per hectare) per property.</p>	<p>i) <u>Until 30 May 2018 in the Oxidising, Riverine or Peat Wetlands Physiographic Zones.</u></p> <p>ii) <u>Until 30 May 2019 in the Central Plains, Bedrock/Hill Country or Gleyed Physiographic Zones.</u></p> <p>iii) <u>Until 30 May 2020 in the Old Matura or Lignite-Marine Terraces Physiographic Zones.</u></p> <p><u>Rule 20C</u> <u>The use of land for a farming activity, other than dairy farming of cows or intensive winter grazing, is a permitted activity</u></p> <p>i) <u>From 30 May 2018 in the Oxidising, Riverine or Peat Wetlands Physiographic Zones;</u></p> <p>ii) <u>From 30 May 2019 in the Central Plains, Bedrock/Hill Country or Gleyed Physiographic Zones;</u></p> <p>iii) <u>From 30 May 2020 in the Old Matura or Lignite-Marine Terraces Physiographic Zones;</u></p> <p><u>provided the following condition is met:</u></p> <p>(a) <u>a Farm Management Plan is prepared and implemented in accordance with Appendix N, including mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or</u></p> <p>(b) <u>the farming activity and the property on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.</u></p> <p><u>Rule 20D</u> <u>The use of land for a farming activity, other than dairy farming of cows or intensive winter grazing,</u></p>
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<p>Independently Audited Self-Management Participants.</p> <p>(g) From 30 May 2019, the use of land for a farming activity in the Central Plains, Bedrock/Hill Country or Gleyed Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity, provided the following condition is met:</p> <p>(i) a Management Plan is prepared and implemented in accordance with Appendix N, including mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the property on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.</p> <p>(h) From 30 May 2020, the use of land for a farming activity in the Old Matura or Lignite-Marine Terraces Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity, provided the following condition is met:</p> <p>(i) a Management Plan is prepared and implemented in accordance with Appendix N, including mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the property on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.</p> <p>(i) From 30 May 2018, the use of land for a farming activity in the Oxidising, Riverine or Peat Wetlands Physiographic Zones, other than dairy farming of cows or intensive winter grazing, that</p>		<p><u>that does not comply with the condition of Rule 20C or Rule 20E</u></p> <p>i) <u>From 30 May 2018 in the Oxidising, Riverine or Peat Wetlands Physiographic Zones, and;</u></p> <p>ii) <u>From 30 May 2019 in the Central Plains, Bedrock/Hill Country or Gleyed Physiographic Zones, and;</u></p> <p>iii) <u>From 30 May 2020, the use of land for a farming activity in the Old Matura or Lignite-Marine Terraces Physiographic Zones:</u></p> <p><u>is a restricted discretionary activity.</u></p> <p><u>Environment Southland will restrict the exercise of its discretion to the following matters:</u></p> <ol style="list-style-type: none"> <u>1. whether the activity will avoid, remedy or mitigate potential adverse effects on water quality and soils.</u> <u>2. monitoring and reporting;</u> <u>3. the proposed management practices to minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;</u> <u>4. the potential benefits of the activity to the community and the environment.</u> <u>5. the preparation and implementation of a Farm Management Plan.</u> <p><u>Rule 20 - E</u></p> <p>i) <u>Despite any other rule, from 30 May 2018 the use of land for the farming of sheep, deer or beef on a landholding that is between 20 hectares and 100 hectares in area is a permitted activity, provided the following condition is met:</u></p> <p>(a) <u>a Farm Management Plan is prepared and implemented in accordance with Appendix N,</u></p>
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<p>does not comply with the condition of Rule 20(e) or Rule 20(f) is a discretionary activity.</p> <p>(j) From 30 May 2019, the use of land for a farming activity in the Central Plains, Bedrock/Hill Country or Gleyed Physiographic Zones, other than dairy farming of cows or intensive winter grazing, that does not comply with the condition of Rule 20(g) is a discretionary activity.</p> <p>(k) From 30 May 2020, the use of land for a farming activity in the Old Matura or Lignite-Marine Terraces Physiographic Zones, other than dairy farming of cows or intensive winter grazing, that does not comply with the condition of Rule 20(h) is a discretionary activity.</p>		<p><u>but excluding part 4 (Nutrient Budget), which includes mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the property on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.</u></p>
<p>Land Use Rules. Page 50.</p> <p>Rule 21 – Existing dairy farming of cows The use of land for dairy farming of cows that existed as at 30 May 2016 is a permitted activity, provided the following conditions are met: (a) the dairy platform has a discharge consent for agricultural effluent that specifies a maximum number of cows; and (b) there is no increase in the number of cows, beyond that specified in Rule 21(a); and (c) a Management Plan is prepared and implemented in accordance with Appendix N, including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the landholding on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants; and (d) the activity does not occur in the Alpine physiographic zone.</p>	<p>Amend.</p> <p>FANZ considers that the rule should refer to Farm Management Plan.</p> <p>FANZ is opposed to the input limits placed on cow numbers as the RMA is an effects based statute, and the controls should address the farm system losses which give rise to the adverse effects. To control inputs removes opportunity for innovative solutions and flexibility in land use.</p>	<p>FANZ seeks to amend Rule 21 as follows:</p> <p>The use of land for dairy farming of cows that existed as at 30 May 2016 is a permitted activity, provided the following conditions are met: (a) the dairy platform has a discharge consent for agricultural effluent that specifies a maximum number of cows controls nutrient losses from the effluent management system; and (b) there is no increase in the number of cows, beyond that specified in Rule 21(a); and (e) a <u>Farm</u> Management Plan is prepared and implemented in accordance with Appendix N, including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the landholding on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants; and (d-c) the activity does not occur in the Alpine physiographic zone.</p>

<p>Land Use Rules. Pages 50-51.</p> <p>Rule 22 – New or expanded dairy farming of cows</p> <p>(a) The use of land for dairy farming of cows that did not exist as at 30 May 2016 or does not comply with Rule 21(a) or 21(b) in the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains, or Lignite-Marine Terraces physiographic zones, is a discretionary activity, provided the following condition is met:</p> <p>(i) a Management Plan is prepared and implemented in accordance with Appendix N including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the landholding on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.</p> <p>(b) The use of land for dairy farming of cows that did not exist as at 30 May 2016 or does not comply with Rule 21(a) or 21(b) in the Old Maitaura, or Peat Wetlands physiographic zones is a non-complying activity.</p> <p>(c) The use of land for dairy farming of cows that does not comply with Rule 21(c) or Rule 22(a)(i) is a non-complying activity.</p> <p>(d) The use of land for dairy farming of cows in the Alpine physiographic zone is a prohibited activity.</p> <p>(e) Where new or expanded dairy farming of cows includes land in more than one physiographic zone, the rules for each physiographic zone shall apply to the land within that zone.</p>	<p>Support in part Amend.</p> <p>(a) FANZ considers that the discretionary activity status is appropriate given the nature of the activity. Not preparing and implementing an FMP is a non-complying activity. The Council is trying to send a message that an FMP is compulsory and not preparing and implanting one is generally not acceptable. FANZ understands this sentiment.</p> <p>(b) FANZ is concerned that applications under Rule 22(b) would be assessed against Policy 9 or Policy 11 depending on the physiographic area. It would be difficult to be consistent with a policy that “strongly discourages” additional dairy farming of cows, so potential adverse effects would have to be minor. This matter would be addressed by changes FANZ has sought to combine Policies 4 to 12.</p> <p>(e) FANZ is concerned that this rule could create complex rule framework and farm management plans as some of the ‘zones’ are fairly small and scattered across the Region. A common rule framework requiring the physiographic characteristics to be take into account in the Farm Management Plan, may be more straight forward, than having a series of different rules specific to each zone. For example Map 27, or Map 22 show a mosaic of peat/wetland and gleyed zones, making some areas obligatory non-complying and other areas discretionary, Compliance will be unnecessarily complex, particularly if Farm Management Plans to address the environmental risks will be required universally and can equally address the issue under a single activity status..</p>	<p>FANZ seeks that Rule 22 is amended as follows:</p> <p>(a) The use of land for dairy farming of cows that did not exist as at 30 May 2016 or does not comply with Rule 21(a) or 21(b) in the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains, or Lignite-Marine Terraces physiographic zones, is a discretionary activity, provided the following condition is met: (i) a <u>Farm</u> Management Plan is prepared and implemented in accordance with Appendix N including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the landholding on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.</p> <p>(b) The use of land for dairy farming of cows that did not exist as at 30 May 2016 or does not comply with Rule 21(a) or 21(b) in the Old Maitaura, or Peat Wetlands physiographic zones is a non-complying activity.</p> <p>(c) The use of land for dairy farming of cows that does not comply with Rule 21(c) or Rule 22(a)(i) is a non-complying activity.</p> <p>(d) The use of land for dairy farming of cows in the Alpine physiographic zone is a prohibited activity.</p> <p>(e) Where new or expanded dairy farming of cows includes land in more than one physiographic zone, the rules for each physiographic zone shall apply to the land within that zone.</p> <p>(f) Despite Rule 22(e), where new or expanded dairy farming of cows includes land of less than 10 hectares in any one physiographic zone, the</p>
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<p>(f) Despite Rule 22(e), where new or expanded dairy farming of cows includes land of less than 10 hectares in any one physiographic zone, the landholder may determine whether the physiographic zone for that area, or the prevalent physiographic zone for the landholding, applies to that area of the land.</p> <p>(g) Despite Rule 22(a) to (e) the use of land for dairy farming of cows is a restricted discretionary activity, provided the following conditions are met:</p> <p>(i) the activity occurs on those parcels of land wholly contained with Computer Freehold Registers SL134/119, 307310, 307311, SL198/159, and SL151/191; and Lot 5 DP 376415 as contained in Computer Freehold Register 307305, and Lots 6 and 7 DP 376415 and Part Lot 8 DP 376415 as contained in Computer Freehold Register 307307;</p> <p>(ii) the primary purpose of the activity is to contribute to publicly available research on the mitigation of environmental effects of dairy farming or wintering;</p> <p>(iii) a Management Plan is prepared and implemented in accordance with Appendix N including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland. Environment Southland will restrict the exercise of its discretion to the following matters:</p> <ol style="list-style-type: none"> 1. the quality of and compliance with and auditing of the Management Plan; 2. the proposed research to be undertaken and associated environmental effects, including methods and timing of publication; 3. monitoring and reporting; 4. the proposed management practices to minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land; 	<p>(f) Support as a practical approach to managing small areas of zoning.</p>	<p>landholder may determine whether the physiographic zone for that area, or the prevalent physiographic zone for the landholding, applies to that area of the land.</p> <p>(g) Despite Rule 22(a) to (e) the use of land for dairy farming of cows is a restricted discretionary activity, provided the following conditions are met:</p> <p>.....</p> <p>(iii) a <u>Farm</u> Management Plan is prepared and implemented in accordance with Appendix N including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland. Environment Southland will restrict the exercise of its discretion to the following matters:</p> <ol style="list-style-type: none"> 1. the quality of and compliance with and auditing of the <u>Farm</u> Management Plan;
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<p>5. the potential benefits of the activity to the community and the environment.</p>		
<p>Land Use Rules. Pages 52-53</p> <p>Rule 23 – Intensive winter grazing (a) Until 30 May 2018, the use of land for intensive winter grazing is a permitted activity. (b) From 30 May 2018, the use of land for intensive winter grazing is a permitted activity, provided the following conditions are met: (i) a Management Plan is prepared and implemented in accordance with Appendix N, including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the landholding on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants; (ii) no intensive winter grazing is undertaken in the Alpine physiographic zone; (iii) not more than 20 hectares of intensive winter grazing is undertaken on a landholding within the Old Maitaura, or Peat Wetlands physiographic zones; (iv) not more than 50 hectares of intensive winter grazing is undertaken on a landholding within the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains, or Lignite-Marine Terraces physiographic zones; (v) the area of land used for intensive winter grazing is recorded for each year and provided to Environment Southland on request; (vi) the location of any sub-surface drains within the area of land used for intensive winter grazing, and their outlet position and relative depth, is</p>	<p>Support in part Amend</p> <p>Rule 23 (b) (ix) The first storm event will make most farms and most DOC conservation land non-compliant. FANZ seeks that the Rule should be amended to require steps are taken following Industry Agreed Good Management Practices to mitigate or remedy sediment loss by overland flow.</p> <p>As for Rule 20, FANZ suggests that the Rule should become separate rules for ease of understanding.</p>	<p>Rewrite Rule 23 as follows:</p> <p><u>Rule 23A</u> <u>Until 30 May 2018, the use of land for intensive winter grazing is a permitted activity.</u></p> <p><u>Rule 23B</u> <u>From 30 May 2018, the use of land for intensive winter grazing is a permitted activity, provided the following conditions are met:</u></p> <p><u>(i) a Farm Management Plan is prepared and implemented in accordance with Appendix N, including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the landholding on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants;</u></p> <p><u>(ii) no intensive winter grazing is undertaken in the Alpine physiographic zone;</u></p> <p><u>(iii) not more than 20 hectares of intensive winter grazing is undertaken on a landholding within the Old Maitaura, or Peat Wetlands physiographic zones;</u></p> <p><u>(iv) not more than 50 hectares of intensive winter grazing is undertaken on a landholding within the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains, or Lignite-Marine Terraces physiographic zones;</u></p> <p><u>(v) the area of land used for intensive winter grazing is recorded for each year and provided to Environment Southland on request;</u></p>

<p>mapped and provided to Environment Southland upon request;</p> <p>(vii) a vegetated strip is maintained, and stock excluded from, the outer edge of the bed of any river, wetland, modified watercourse or artificial watercourse for a distance of:</p> <p>(1) 3 metres from the outer edge of the bed on land with a slope³ of less than 4 degrees; and</p> <p>(2) 10 metres from the outer edge of the bed on land with a slope between 4 and 16 degrees; and</p> <p>(3) 20 metres from the outer edge of the bed on land with a slope of greater than 16 degrees; and</p> <p>(viii) the winter grazing does not occur within 100 m of the outer edge of the bed of any lake or the Coastal Marine Area;</p> <p>(ix) overland flow of run-off water does not cause a conspicuous discolouration or sedimentation of any adjacent waterbody.</p> <p>(c) From 30 May 2018, the use of more than 20 hectares of a landholding for intensive winter grazing in the Old Maitaura, or Peat Wetlands physiographic zones or 50 hectares in the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains or Lignite-Marine Terraces physiographic zone is a restricted discretionary activity, provided the following conditions are met:</p> <p>(i) the area of land used on the landholding for intensive winter grazing has not increased beyond the area of land used, averaged over the previous three years;</p> <p>(ii) conditions (v) to (ix) of Rule 23(b) are met; and</p> <p>(iii) a Management Plan has been prepared in accordance with Appendix N;</p> <p>Environment Southland will restrict the exercise of its discretion to the following matters:</p> <ol style="list-style-type: none"> 1. the quality of, compliance with and auditing of the Management Plan; 2. the proposed management practices to minimise the discharge of nitrogen, phosphorus, 		<p><u>(vi) the location of any sub-surface drains within the area of land used for intensive winter grazing, and their outlet position and relative depth, is mapped and provided to Environment Southland upon request;</u></p> <p><u>(vii) a vegetated strip is maintained, and stock excluded from, the outer edge of the bed of any river, wetland, modified watercourse or artificial watercourse for a distance of:</u></p> <p><u>(1) 3 metres from the outer edge of the bed on land with a slope of less than 4 degrees; and</u></p> <p><u>(2) 10 metres from the outer edge of the bed on land with a slope between 4 and 16 degrees; and</u></p> <p><u>(3) 20 metres from the outer edge of the bed on land with a slope of greater than 16 degrees; and</u></p> <p><u>(viii) the winter grazing does not occur within 100 m of the outer edge of the bed of any lake or the Coastal Marine Area;</u></p> <p><u>(ix) Industry Agreed Good Management Practices are used where practicable to address the risk of overland flow or run-off water to any adjacent water body.</u></p> <p><u>Rule 23C</u></p> <p><u>(a) From 30 May 2018, the use of more than 20 hectares of a landholding for intensive winter grazing in the Old Maitaura, or Peat Wetlands physiographic zones or 50 hectares in the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains or Lignite-Marine Terraces physiographic zone is a restricted discretionary activity, provided the following conditions are met:</u></p> <p><u>(i) the area of land used on the landholding for intensive winter grazing has not</u></p>
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<p>sediment and microbiological contaminants to water from the use of land;</p> <p>3. the quantum of and timing of any reductions in the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;</p> <p>4. the potential benefits of the activity to the applicant, the community and the environment;</p> <p>5. the potential effects of the land use on surface and groundwater quality and sources of drinking-water.</p> <p>An application for resource consent under Rule 23(c) will be processed and considered without public or limited notification unless the applicant requests notification or Environment Southland considers special circumstances exist that warrant notification of the application.</p> <p>(d) From 30 May 2018, the use of land for intensive winter grazing in the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains, or Lignite-Marine Terraces physiographic zones that does not meet condition (i), or (v) to (ix) of Rule 23(b) or condition (i) to (iii) of Rule 23(c) is a discretionary activity.</p> <p>(e) From 30 May 2018, the use of land for intensive winter grazing in the Old Mataura or Peat Wetlands physiographic zones that does not meet conditions (i) to (iii) of Rule 23(c) is a non-complying activity.</p> <p>(f) From 30 May 2018 and despite any other rule, the use of land for intensive winter grazing within the Alpine physiographic zone is a prohibited activity.</p> <p>(g) Despite Rule 23(a) to (f) the use of land for intensive winter grazing is a restricted discretionary activity, provided the following conditions are met:</p> <p>(i) the activity occurs on those parcels of land wholly contained with Computer Freehold</p>		<p><u>increased beyond the area of land used, averaged over the previous three years;</u></p> <p><u>(ii) conditions (v) to (ix) of Rule 23B are met; and</u></p> <p><u>(iii) a Farm Management Plan has been prepared in accordance with Appendix N including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland..</u></p> <p><u>(b) Despite Rule 23A to F the use of land for intensive winter grazing is a restricted discretionary activity, provided the following conditions are met:</u></p> <p><u>(i) the activity occurs on those parcels of land wholly contained with Computer Freehold Registers SL134/119, 307310, 307311, SL198/159, and SL151/191; and Lot 5 DP 376415 as contained in Computer Freehold Register 307305, and Lots 6 and 7 DP 376415 and Part Lot 8 DP 376415 as contained in Computer Freehold Register 307307;</u></p> <p><u>(ii) the primary purpose of the activity is to contribute to publicly available research on the mitigation of environmental effects of dairy farming or wintering;</u></p> <p><u>(iii) a Farm Management Plan is prepared and implemented in accordance with Appendix N including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland.</u></p> <p><u>Environment Southland will restrict the exercise of its discretion to the following matters, as relevant:</u></p>
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<p>Registers SL134/119, 307310, 307311, SL198/159, and SL151/191; and Lot 5 DP 376415 as contained in Computer Freehold Register 307305, and Lots 6 and 7 DP 376415 and Part Lot 8 DP 376415 as contained in Computer Freehold Register 307307;</p> <p>(ii) the primary purpose of the activity is to contribute to publicly available research on the mitigation of environmental effects of dairy farming or wintering;</p> <p>(iii) a Management Plan is prepared and implemented in accordance with Appendix N including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland. Environment Southland will restrict the exercise of its discretion to the following matters:</p> <ol style="list-style-type: none"> 1. the quality of and compliance with and auditing of the Management Plan; 2. the proposed research to be undertaken and associated environmental effects, including methods and timing of publication. 3. monitoring and reporting 4. the proposed management practices to minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land; 5. the potential benefits of the activity to the community and the environment. 		<ol style="list-style-type: none"> 1. <u>the quality of, compliance with and auditing of the Management Plan;</u> 2. <u>the proposed management practices to minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;</u> 3. <u>the quantum of and timing of any reductions in the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;</u> 4. <u>the potential benefits of the activity to the applicant, the community and the environment;</u> 5. <u>the potential effects of the land use on surface and groundwater quality and sources of drinking-water.</u> 6. <u>the proposed research to be undertaken and associated environmental effects, including methods and timing of publication.</u> <p><u>An application for resource consent under Rule 23C will be processed and considered without public or limited notification unless the applicant requests notification or Environment Southland considers special circumstances exist that warrant notification of the application.</u></p> <p><u>Rule 23D</u> <u>From 30 May 2018, the use of land for intensive winter grazing in the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains, or Lignite-Marine Terraces physiographic zones that does not meet condition (i), or (v) to (ix) of Rule 23B or condition (i) to (iii) of Rule 23C is a discretionary activity.</u></p>
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<p>Land Contamination Page 69</p> <p>Rule 46 – Land contaminated by a hazardous substance</p> <p>(a) The discharge of contaminants from land contaminated by a hazardous substance onto or into land in circumstances which may result in contaminants entering water is a permitted activity provided:</p> <p>(i) the hazardous substance in the discharge results from an activity authorised by a rule in this Plan or a resource consent; and</p> <p>(ii) the discharge does not result in a breach of the Australia and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC) 2000 at the level of protection set in those guidelines for 80% of species, except for benzene where the level of protection is 90% of species (i.e. 1 milligram per litre), at the nearest of:</p> <p>(1) 50 metres;</p> <p>(2) the landholding boundary;</p> <p>(3) any point immediately adjacent to a surface waterbody, artificial watercourse, or water</p>	<p>Support in part. Amend.</p> <p>FANZ notes that Rule 46(a)(ii) requires that a discharge does not breach ANZECC Freshwater quality standards.</p> <p>FANZ considers that if the reference to ANZEC 80 % and 90% values is directed to those elements and compounds listed in Table 3.4.1, ‘Trigger values for toxicants at alternative levels of protection’, page3.4-5 then that should be clearly stated. That said, the ANZECC guidelines apply a trigger value for investigation.</p> <p>Page 3.4-11 provides guidance on application of the guideline values as follows: <i>“These trigger values should not be considered as blanket guidelines for national water quality, because ecosystem types vary so widely throughout Australia and New Zealand. Such variations, even on a smaller scale, can have marked effects on the bioavailability, transport and degradation of chemicals, and on their toxicity. The trigger values may not apply to every aquatic ecosystem in Australia or New Zealand and in</i></p>	<p>FANZ seeks that Rule 46 is amended as follows:</p> <p>(a) The discharge of contaminants from land contaminated by a hazardous substance onto or into land in circumstances which may result in contaminants entering water is a permitted activity provided:</p> <p>(i) the hazardous substance in the discharge results from an activity authorised by a rule in this Plan or a resource consent; and</p> <p>(ii) the discharge does not result in a breach of the ‘Trigger values for toxicants’, presented in <u>Table 3.4.1 in the Australia and New Zealand Guidelines for Fresh and Marine Water Quality (ANZECC) 2000</u> at the level of protection set in those guidelines for 80% of species, except for benzene where the level of protection is 90% of species (i.e. 1 milligram per litre), at the nearest of:</p> <p>(1) 50 metres;</p> <p>(2) the landholding boundary;</p> <p>(3) any point immediately adjacent to a surface waterbody, artificial watercourse, or water abstraction bore (excluding monitoring bores); from the discharge; and</p>

<p>abstraction bore (excluding monitoring bores); from the discharge; and</p> <p>(iii) the discharge does not result in a breach of the Drinking Water Standards for New Zealand 2005 (Revised 2008) in any bore utilised for potable supply, except where the ambient water quality naturally breaches those Standards and the discharge does not result in any further degradation of the water quality.</p> <p>(b) The discharge of soil from land contaminated by a hazardous substance onto or into land in circumstances which may result in those contaminants entering water is a permitted activity provided:</p> <p>(i) the hazardous substance in the soil results from the application of a fertiliser or agricultural to the land authorised by a rule in this Plan or a resource consent; or</p> <p>(ii) the soil is being returned to the excavation or site from which it was taken.</p> <p>(c) The discharge of contaminants or soil from land contaminated by a hazardous substance onto or into land in circumstances which may result in those contaminants entering water that does not meet one or more of the conditions of Rule 46(a) or (b) is a discretionary activity.</p> <p>(d) The use of land for a site investigation to assess concentrations of hazardous substances that may be present in the soil is a permitted activity provided the following conditions are met:</p> <p>(i) The site investigation is to be undertaken in accordance with Contaminated Land Management Guidelines No. 5: Site Investigation and Analysis of Soils (Ministry for the Environment, 2011) and reported on in accordance with the Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in New Zealand, (Ministry for the Environment, 2011); and</p>	<p><i>some instances adequate protection of the environment may require less or in some cases more stringent values”</i></p> <p><i>FANZ considers that to provide ANZEEC guidelines as a threshold not to be exceeded is inappropriate use of the ANZEEC guidelines.</i></p> <p>Using these values as a threshold for discharge may be inappropriate but FANZ accept the use as a trigger for investigation and threshold for permitted activity status.</p> <p>In considering the discharge of contaminants from land contaminated by a hazardous substance, it should be recognised that fertiliser is a Hazardous under the HSNO Act with HSNO Classifications which apply to the Fertiliser Group Standards. In relation to nitrogen and phosphorus contaminants arising from fertiliser application to land this rule is potentially in conflict with the NPSFM attributes table and any Regionally applied water quality standards which might be determined to provide for various waterbodies in Southland.</p>	<p>(iii) the discharge does not result in a breach of the Drinking Water Standards for New Zealand 2005 (Revised 2008) in any bore utilised for potable supply, except where the ambient water quality naturally breaches those Standards and the discharge does not result in any further degradation of the water quality.</p>
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<p>(ii) The person or organisation initiating the site investigation provides a copy of the report of the site investigation to Environment Southland within two months of the completion of the investigation.</p> <p>(e) The use of land for a site investigation to assess concentrations of hazardous substances that may be present in the soil that does not meet one or more of the conditions in Rule 46(d) is a discretionary activity.</p>		
<p>Glossary Page 107</p> <p>Agricultural effluent Effluent that is derived from livestock farming, but excludes excreta from individual animals, fertiliser application and non-point source discharges from normal farming practices.</p>	<p>Support in part. Amend.</p> <p>FANZ seeks that the definition of agricultural effluent is amended to provide (as much as possible) greater national consistency in terms and definitions.</p> <p>It is noted that the following examples all use the term “Animal Effluent” :</p> <p>Greater Wellington proposed definition : Dry or wet, liquid, solid or semi-solid, treated or untreated faeces and urine from animals other than humans, including associated process water, washdown water, contaminants and sludge.</p> <p>ECAN Land and Water Regional Plan definition Animal effluent means faeces and urine from animals other than humans, including associated process water, wash-down water, contaminants and sludge excluding solid animal waste.</p> <p>Horizons one plan definition means faeces and urine from animals other than humans, including associated process water, washdown water, contaminants and sludge, excluding <i>poultry farm litter*</i> or <i>pig farm litter*</i>.</p>	<p>FANZ seeks that the definition of ‘agricultural effluent’ is amended as follows:</p> <p>Agricultural Animal effluent Effluent that is derived from livestock farming, but excludes excreta from individual animals, fertiliser application and non-point source discharges from normal farming practices</p>

<p>Glossary Page 107</p> <p>Agricultural effluent storage A pond, tank or structure used for the containment, storage or treatment of agricultural effluent.</p>	<p>Support in part Amend.</p> <p>Consequently, FANZ seeks that this definition is amended.</p>	<p>FANZ seeks that the definition of Agricultural effluent storage' is amended as follows:</p> <p>Agricultural Animal effluent storage A pond, tank or structure used for the containment, storage or treatment of agricultural animal effluent.</p>
<p>Glossary Page 107</p> <p>New definition</p>	<p>FANZ considers that the Plan should include a definition of 'Best practicable option'.</p>	<p>FANZ seeks that the following definition be included in the Plan:</p> <p><u>Best practicable option</u>, in relation to a discharge of a contaminant or an emission of noise: means the best method for preventing or minimising the adverse effects on the environment having regard, among other things, to— (a) the nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and (b) the financial implications, and the effects on the environment, of that option when compared with other options; and (c) the current state of technical knowledge and the likelihood that the option can be successfully applied”</p>
<p>Glossary Page 107</p> <p>Catchment The land area that contributes the river's or stream's flow.</p>	<p>Support in part Amend.</p> <p>FANZ seeks that the definition is amended for clarity.</p>	<p>FANZ seek that the definition 'catchment' is amended as follows:</p> <p>Catchment The land area that contributes <u>to</u> the river's or stream's flow.</p>
<p>Glossary Page 108</p> <p>New definition</p>	<p>Amend.</p> <p>FANZ considers that the Plan should include a definition of Certified Nutrient Management Advisor.</p>	<p>FANZ seeks that the following definition is included in the Plan:</p> <p><u>Certified Nutrient Management Adviser:</u></p>

		<u>means a Nutrient Management Advisor certified under the Nutrient Manager Adviser Certification Programme Ltd.</u>
Glossary Page 109 Critical Source Area Areas of enriched nutrient or sediment sources and hydrological activity that occur in small parts of a catchment or farm, but contribute a disproportionately large amount of nutrient or sediment to the environment (e.g. steep hills, gullies or swales).	Support.	Retain definition of 'Critical Source Area' as notified.
Glossary Page 109 Cultivation Preparing land for growing pasture or a crop by mechanical tillage or spraying (excluding spot spraying).	Support as amended to address FANZ's concerns. No longer includes cutting and spraying for pest control.	Retain definition of 'Cultivation' as notified.
Glossary Page 110 Fertiliser Any substance (whether in solid or fluid form) that is described as or held out to be for, or suitable for sustaining or increasing the growth, productivity or quality of plants or animals through the application of the following essential nutrients to plants or soils: nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chloride, sodium as major nutrients; or manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, selenium as minor nutrients or additives.	Support in part. Amend. In general FANZ supports the definition of Fertiliser but seeks to add the following wording to be consistent with ACVM Regulations for the purpose of national consistency:	FANZ seeks that the definition of 'fertiliser' is amended as follows: Fertiliser as defined in the ACVM Regulations 2001: (a) <u>Means a substance or biological compound or mix of substances or biological compounds that is described as, or held out to be for, or suitable for, sustaining or increasing the growth, productivity, or quality of plants or, indirectly, animals through the application to plants or soil of</u> i. <u>Nitrogen, phosphorus, potassium, sulphur, magnesium, calcium, chlorine, and sodium as major nutrients; or</u>

		<ul style="list-style-type: none"> ii. <u>Manganese, iron, zinc, copper, boron, cobalt, molybdenum, iodine, and selenium as minor nutrients; or</u> iii. <u>Fertiliser additives; and</u> <ul style="list-style-type: none"> (b) <u>Includes non-nutrient attributes of the materials used in Fertiliser; but</u> (c) <u>Does not include substances that are plant growth regulators that modify the physiological functions of plants.</u>
<p>Glossary Page 110</p> <p>New Definition.</p>	<p>Amend.</p> <p>FANZ considers that the Plan should include a definition of Good Management Practice.</p>	<p>FANZ seeks that the following definition be included in the Plan:</p> <p><u>Good Management Practice</u> <u>Practices, procedures or use of tools which are effective at achieving the desired performance while providing for environmental responsibility. Good management practice evolves through time and results in continuous improvement as new information, technology and awareness of particular issues are developed and disseminate.</u></p> <p><u>Support is given to identifying these as: “Industry Agreed Good Management Practices” being the practices described in the document entitled ‘Industry-agreed Good Management Practices relating to water quality’ - dated September 2015.</u></p>
<p>Glossary Page 110</p> <p>Intensive winter grazing Grazing of stock between May and September (inclusive) on forage crops.</p>	<p>Support.</p>	<p>Retain the definition of ‘intensive winter grazing’ as notified.</p>
<p>Glossary Page 113</p>	<p>Support.</p>	<p>Retain the definition of ‘non-point source discharges’ as notified.</p>

<p>Non-point source discharges Water contamination derived from diffuse sources where there is no single identifiable discharge point.</p>		
<p>Glossary Page 114</p> <p>Nutrient An element or compound essential for the growth and development of life forms. The major plant nutrients are nitrogen, phosphorus, potassium, sulphur, magnesium and calcium but there are also a number of minor nutrients which are required in small quantities.</p>	<p>Support.</p>	<p>Retain the definition of 'nutrient' as notified.</p>
<p>Glossary Page 114</p> <p>New definition</p>	<p>Amend.</p> <p>FANZ considers that the Plan should include a definition of Nutrient Budget.</p>	<p>FANZ seeks that the following definition be included in the Plan:</p> <p>A Nutrient Budget means: <u>A statement of the total nutrient balance for a particular farm property or farming enterprise, taking into account all the nutrient inputs and all the outputs. For use in the Appendix N 'Farm Management Plan' a nutrient budget must be prepared:</u> <u>(i) in accordance with the most recent version of the "Overseer Best Practice Data Input Standards"; and</u> <u>(ii) by a person who is a Certified Nutrient Management Advisor.</u></p>
<p>Glossary Page 114</p> <p>Physiographic zone The zones as depicted on Map Series 4: Physiographic Zones.</p>	<p>Amend.</p> <p>FANZ suggests Physiographic Zones should be clearly defined to describe the zones.</p>	<p>FANZ seeks that the definition of 'Physiographic zones' is amended as follows:</p> <p>Physiographic zone <u>A physiographic zone represents areas of the landscape with common attributes that influence water quality, such as climate, topography, geology and soil type. Zones differ in the way</u></p>

		<p><u>sediment, microbes (e.g. E.coli) and nutrients, such as nitrogen and phosphorus, build up and move through the soil, aquifers (areas of groundwater) and into our rivers and streams.</u></p> <p>The zones as <u>are</u> depicted on Map Series 4: Physiographic Zones and individually described in the Plan, Part A, pages 18 - 21.</p>
<p>Glossary Page 114</p> <p>Point source discharges Discharges from specific and identifiable sources (such as pipes or drains) concentrated at a given point.</p>	Support.	Retain the definition of 'point source discharge' as notified.
<p>Glossary Page 116</p> <p>Significant de-vegetation Means any farming activity that results in the exposure of bare ground and/or pugging of the soil.</p>	<p>Support in part Amend.</p> <p>FANZ notes that the term 'significant de-vegetation' is only used in Rule 70: stock exclusion from waterbodies. FANZ therefore seeks to amend the definition to ensure it is only applied to the effects of grazing on the bed and banks of waterbodies</p>	<p>FANZ seeks that the definition of 'significant de-vegetation' is amended as follows:</p> <p>Significant de-vegetation Means any farming activity that results in the exposure of bare ground and/or pugging of the soil <u>on the bed or banks of a waterbody.</u></p>
<p>Glossary Page 117</p> <p>Subsurface drainage systems An artificial permeable subsurface conduit constructed for the purposes of draining agricultural soil water/moisture. An installed subsurface drainage system includes tile, mole, concrete and clay drains, wooden box drains and plastic subsurface drainage pipes. Stormwater systems, drainage by use of sumps, and foul water drainage systems are not included in this definition.</p>	Support.	Retain the definition of 'subsurface drainage systems' as notified.

<p>Appendix E – Water Quality Standards Pages 155 to 164</p>	<p>Support in part. Amend.</p> <p>FANZ supports the list of water quality attributes which might be applied at the FMU level, however, the current combination of attributes under each of the designations for water bodies in Appendix E may or may not be appropriate for local community values at FMU level or sub-catchment level.</p>	<p>FANZ seeks that the Plan provide for amendment of the water quality attributes addressed in Appendix E to be applied at the FMU or sub catchment level.</p>
<p>Appendix N – Management Plan Requirements Pages 198 to 202.</p> <p>Part B – Management Plan Content</p> <p>1. A written Management Plan is:</p> <ul style="list-style-type: none"> • prepared and retained, identifying the matters set out in numbers 2–10 below; • updated at least once every 12 months; and • provided to the Southland Regional Council upon request. <p>2. The following property details are recorded:</p> <ul style="list-style-type: none"> • physical address; • description of the ownership and name of a contact person; • legal description of the land and farm name; • details of all resource consents held, including a copy of each consent. <p>3. A map(s) or aerial photograph(s) at a scale that clearly shows:</p> <ul style="list-style-type: none"> • the boundaries of the property; • the location of significant farm infrastructure; • the location of any critical source areas; • the physiographic unit(s) in which the land is located; • the location of permanent or intermittent rivers, streams, lakes, drains, ponds or wetlands; 	<p>Support in part. Amend.</p>	<p>FANZ seeks a minor amendment to Part B – Management Plan Content as follows:</p> <p>3. A map(s) or aerial photograph(s) at a scale that clearly shows:</p> <p>....</p> <ul style="list-style-type: none"> • where known, the <u>location</u> of any subsurface drainage system(s) and relative depth and position , including the outlet(s) of any such systems;

<ul style="list-style-type: none"> • where known, the of any subsurface drainage system(s) and relative depth and position , including the outlet(s) of any such systems; • the location of riparian vegetation and fences adjacent to waterbodies; • the location on all water ways where stock access or crossing occurs; • the location of any known and recorded heritage site; • the location of any areas within or adjoining the property that are identified in a District Plan as “significant indigenous biodiversity”. 		
<p>Appendix N – Management Plan Requirements Pages 198 to 202.</p> <p>4 Nutrient Budget</p> <p>(a) A nutrient budget based on soil nutrient tests has been prepared, using the latest version of the OVERSEER model, in accordance with the latest version of the OVERSEER Best Practice Data Input Standards, or an equivalent model approved by the Chief Executive of Southland Regional Council:</p> <p>(i) where a material change in the land use associated with the farming activity occurs (being a change exceeding that resulting from normal crop rotations or variations in climatic or market conditions) the nutrient budget shall be prepared at the end of the year in which the change occurs, and also three years after the change occurs;</p> <p>(ii) where a material change in the land use associated with the farming activity does not occur, the nutrient budget shall be prepared once every three years;</p> <p>(iii) an annual review of the input data used to prepare the nutrient budget shall be carried out by or on behalf of the landowner for the purposes of ensuring the nutrient budget accurately reflects</p>	<p>Support in part Amend</p> <p>FANZ supports the Nutrient Budget provisions. In particular that they are developed using the latest version of the OVERSEER model, in accordance with the latest version of the OVERSEER Best Practice Data Input Standards, or an equivalent model approved by the Chief Executive of Southland Regional Council, and material change in the land use associated with the farming activity does not occur, the nutrient budget shall be prepared once every three years.</p> <p>However, FANZ seeks to include a requirement that nutrient budgets are prepared by a Certified Nutrient Management Advisor, certified under the Nutrient Management Advisor Certification Programme Ltd. FANZ has also sought this is a requirement in other Plans such as the Canterbury Land and Water Plan, Plan Change 5.</p> <p>The qualifications for Certified Nutrient Management Advisers were introduced under the “Transforming the Dairy Value Chain Primary</p>	<p>Amend Appendix N – 4 Nutrient Budget as follows:</p> <p>(a) A nutrient budget based on soil nutrient tests has been prepared <u>by a Certified Nutrient Management Advisor</u>, using the latest version of the OVERSEER model, in accordance with the latest version of the OVERSEER Best Practice Data Input Standards, or an equivalent model approved by the Chief Executive of Southland Regional Council:</p> <p>.....</p>

<p>the farming system. A record of the review shall be kept by the landowner.</p>	<p>Growth Partnership” funded by DairyNZ and the Ministry for Primary Industries, with support of members of an Advisory Group established for the purpose. This Advisory Group which included regional councils, central government, primary industry groups, universities and Fish and Game endorsed and supported development of the programme.</p> <p>The certification programme is administered by a Management Board comprising members of New Zealand Institute Primary Industry Managers, Dairy Industry and Fertiliser Industry. There is a separate Standard Setting Group, comprising university staff, dairy industry members and fertiliser industry members. The formal complaints process and on-going professional development are essential components of the programme. [www.nmacertification.org.nz]</p> <p>Given the very significant implications of the farm specific OVERSEER Nutrient Budget N loss value in the proposed plan, it is disappointing in the extreme to see that there is no clear requirement for any assurance on competency and currency in the use and application of OVERSEER Nutrient Budgets and nutrient management advice.</p> <p>Quality assurance in competency and currency is provided by the Certified Nutrient Management Adviser Programme, and is the reason it was developed.</p>	
<p>Appendix N – Management Plan Requirements Pages 198 to 202.</p> <p>5 Good Management Practices (a) A good management practices section which identifies:</p>	<p>Support in part Amend.</p> <p>FANZ considers that Clause (vi) is provided for under Clause (i) and therefore can be deleted.</p>	<p>FANZ seeks that Appendix N Management Plan Requirements is amended as follows:</p> <p>(a) A good management practices section which identifies:</p>

<p>(i) the general good management practices which will be undertaken on farm over the coming 1 June to 31 May period. Examples of general good management practices are provided on the Southland Regional Council website.</p> <p>(ii) the physiographic zones, and variants (where applicable) within the property;</p> <p>(iii) the key transport pathways and contaminants (where applicable) for each of the physiographic zones within the property, from Table 1 below;</p> <p>(iv) the good management practices for any relevant key transport pathways which will be undertaken on farm over the coming 1 June to 31 May period. A list of example actions to consider for each of the mitigations is provided on the Southland Regional Council website;</p> <p>(v) upon 12 monthly review, the good management practices that were undertaken in the previous 1 June to 31 May period and the good management practices to be implemented over the coming 1 June to 31 May period;</p> <p>(vi) a range of good management practices will be implemented each year.</p>	<p>Furthermore, FANZ suggests that the physiographic zones, and variants (where applicable) within the property are already identified under Part 3 and this requirement can be deleted.</p> <p>Documentation of Good Management for Intensive winter grazing is currently required under Section 8, but would logically be listed in Section 5, Good Management Practices.</p> <p>FANZ supports recognition in the Glossary, that good management practices means “Industry Agreed Good Management Practices”, Sept 2015, developed by the primary industry sector groups in conjunction with Canterbury Regional Council.</p>	<p>(i) the general good management practices which will be undertaken on farm over the coming 1 June to 31 May period. Examples of general good management practices are provided on the Southland Regional Council website.</p> <p>(ii) the physiographic zones, and variants (where applicable) within the property;</p> <p>(iii) the key transport pathways and contaminants (where applicable) for each of the physiographic zones within the property, from Table 1 below;</p> <p>(iv) the good management practices for any relevant key transport pathways which will be undertaken on farm over the coming 1 June to 31 May period. A list of example actions to consider for each of the mitigations is provided on the Southland Regional Council website;</p> <p>(v) upon 12 monthly review, the good management practices that were undertaken in the previous 1 June to 31 May period and the good management practices to be implemented over the coming 1 June to 31 May period;</p> <p>(vi) a range of good management practices will be implemented each year.</p> <p><u>vi) Good management practices specific to intensive winter grazing;:</u></p> <p><u>(i) to minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land for intensive winter grazing;</u></p> <p><u>(ii) to avoid the conspicuous discolouration or sedimentation of any adjacent waterbodies;</u></p>
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		<u>(vii) in relation to sheep, the good management practices to manage critical source areas to ensure contaminant losses, particularly associated with overland flow, are minimised.</u>
<p>Appendix N – Management Plan Requirements Pages 198 to 202.</p> <p>6 Riparian Management Plan (a) A Riparian Management Plan is prepared and implemented, and records in written and/or map form: (i) methods to exclude stock, where required, from waterbodies, critical source areas and riparian areas; (ii) in relation to sheep, the mitigation measures to manage critical source areas to ensure contaminant losses, particularly associated with overland flow, are minimised. (iii) the mitigation options to minimise overland flow including areas where stock will be excluded and areas where vegetation will be planted; (iii) the type of vegetation to be planted and how it will be maintained; (iv) the grazing of appropriately fenced riparian margins for weed control purposes; (v) the access to waterways for maintenance purposes, and in particular the waterways maintained by the Southland Regional Council in accordance with the Southland Flood Control Management Bylaw 2010. (b) An up-to-date copy of the Riparian Management Plan is kept and provided to the Southland Regional Council upon request.</p>	<p>Support in part. Amend</p> <p>Clause (a) (ii) of Part 6 – Riparian Management Plan does not appear to fit within this section, in this respect, it refers to ‘critical source areas’ rather than riparian management, and thus FANZ considers that it should be removed from this section, and relocated to section 5 – Good Management practices.</p>	<p>Amend Appendix N Riparian Management Plan as follows:</p> <p>6 Riparian Management Plan (a) A Riparian Management Plan is prepared and implemented, and records in written and/or map form: (i) methods to exclude stock, where required, from waterbodies, critical source areas and riparian areas; (ii) in relation to sheep, the mitigation measures to manage critical source areas to ensure contaminant losses, particularly associated with overland flow, are minimised-....</p>
<p>Appendix N – Management Plan Requirements Pages 198 to 202.</p> <p>8 Intensive winter grazing</p>	<p>Support.</p> <p>Retain (b) (i) – (vi).</p>	<p>Retain Appendix N Intensive Winter Grazing as notified, provided unnecessary duplication of information and complexity in the Farm Management Plan is avoided.</p>

<p>Where intensive winter grazing is undertaken, an intensive winter grazing section which contains:</p> <p>(a) Good management practices:</p> <p>(i) to minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land for intensive winter grazing;</p> <p>(ii) to avoid the conspicuous discolouration or sedimentation of any adjacent waterbodies;</p> <p>(b) an intensive winter grazing map showing the total extent of land that may be intensively winter grazed on the property which includes the following details in respect to that land:</p> <p>(i) the extent of land to be intensively winter grazed for the next period 1 May to 30 September;</p> <p>(ii) critical source areas;</p> <p>(iii) waterbodies;</p> <p>(iv) slope classes;</p> <p>(v) buffer strips;</p> <p>(vi) location of sub-surface drains their outlet position and relative height.</p>	<p>If the GMP are listed in Sect 5 and mapping including (b)(i) is listed in Sect 3, this section is not needed at all, however;</p> <p>It makes sense that the planning mapping of intensive winter grazing should identify the risk areas (ii) – (vi) which are specific to the grazing area.</p> <p>Section 3 lists all critical source areas and it may not be clear which one relate to winter grazing.</p>	
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