1. This is a submission on behalf of Alliance with respect to the Proposed Southland Regional Water and Land Plan (Water and Land Plan). Alliance’s submission on the individual provisions of the Water and Land Plan is set out in the document attached as Annexure One.

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

3. Overall issues that have determined the approach of Alliance in preparing submissions on the Proposed Water and Land Plan are as follows:

   Alliance is a large Southland based meat processing and exporting company that was established in 1948. Alliance is one of the world’s largest processors and exporters of sheep meat, with eight processing plants strategically located throughout the South Island and lower North Island.

   Alliance is New Zealand’s only wholly farmer-owned red meat co-operative. As a co-operative it is largely supplied by its farmer shareholders. The almost 5,000 farmer shareholders are at the heart of every decision made. Profits are delivered back to the farmer shareholders or re-invested back into the business to deliver greater returns to the farmer shareholder.

   Throughout New Zealand, Alliance employs 628 full time salaried staff and at peak processing 5,000 seasonal employees. In the 2014/2015 season Alliance processed 489,000 cattle and calves, 5.7 million lambs, 1.2 million sheep, and had an annual turnover of $1.5 billion.

   Within the Southland Region, Alliance currently operate three plants situated at Lorneville, Mataura and Makarewa. At these plants, Alliance employs over 3000
people seasonally. It is currently the largest employer in Southland. Alliance currently holds a variety of consents in order to operate its plants in Southland.

4. **Alliance’s submission:**

Alliance has reviewed the proposed provisions that are applicable to its activities in the Southland region. Specific submission points are set out in **Annexure 1** which is attached to and forms part of this submission. In addition to these matters Alliance makes the following submission:

4.1 **General Comments**

Alliance submits that an essential part of the regional growth and economic wellbeing within the Southland region is the farming industry. It provides the backbone to the regional economy and Alliance submits that such activities should not be unduly constrained by inappropriate or unduly onerous provisions. In this regard Alliance is aware that many of its farmer shareholders in Southland have concerns about the implications of the Plan for their businesses. Given this Alliance seeks that the Proposed Plan does not affect their ability to continue farming economically and to continue to provide Alliance with livestock for processing. Alliance submits that a balance can be achieved by enabling farming activities and the industries that supports these to continue and grow, while also appropriately managing adverse effects of associated discharges to land and water.

4.2 **Inconsistency with the National Policy Statement for Freshwater Management**

Alliance is concerned that there is an overarching emphasis within the Proposed Plan to avoid all discharges (both point and non point source) which cause a reduction in water quality. This approach is not considered to be consistent with the National Policy Statement for Freshwater Management (NPSFM) which requires regional councils to maintain “overall” water quality within a region or Freshwater Management Units (FMU). The position of the NPSFM is intended to allow some flexibility when councils set objectives by using trade-offs, or ‘unders and overs’, across a region (or FMU). It does not require that there is absolutely no reduction in the quality of freshwater at any point in every surface water body, estuary and coastal lagoon throughout the region. If this were the case, it would very likely constrain economic growth and create significant difficulties for larger scale industries who would be unduly penalised for point source discharges.

Alliance is also concerned that the Proposed Plan including the water quality standards that are included in Appendix E will not be consistent with the freshwater objectives that are yet to be developed for each FMU. Alliance therefore submits that greater clarity is provided by the Proposed Plan as to how it intends to manage water quality in the interim, until such time as the freshwater objectives and limits are established.
4.3 In summary Alliance's submission seeks to:
   a) Ensure that the Proposed Water and Land Plan is consistent with promoting the sustainable management purpose of the Resource Management Act 1991 (RMA);
   b) Ensure that the Proposed Water and Land Plan is consistent with the provisions of the NPSFM and Proposed RPS;
   c) Ensure consistency with Part 2 and other relevant provisions of the RMA;
   d) Enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety;
   e) Promote the efficient use and development of natural and physical resources; and
   f) Promote sound resource management practice.

5. Alliance seeks the following decision from the Southland Regional Council:
   a) That the amendments (or those with similar or like effect) outlined in Annexure 1, be accepted;
   b) Such further or other relief as is appropriate or desirable in order to take account of the concerns expressed in this submission; and
   c) That, in the event that the amendments set out above are not implemented, the Proposed Water and Land Plan be withdrawn.

6. Alliance wishes to be heard in support of their submission.

7. If others make a similar submission, Alliance would be prepared to consider presenting a joint case with them at any hearing.

Signature: 

By its authorised agent Claire Hunter, on behalf of Alliance Group Limited

Date: 1 August 2016

Address for service: Alliance Group Limited
C/- Mitchell Partnerships
PO Box 489
DUNEDIN

Attn: Claire Hunter

Telephone: (03) 477 7884
Email: Claire.hunter@mitchellpartnerships.co.nz
ANNEXURE 1

SUBMISSION TABLE
<table>
<thead>
<tr>
<th>Provision</th>
<th>Description</th>
<th>Position</th>
<th>Reasons</th>
<th>Relief Sought (or other such similar outcome that has the same effect as the relief being sought)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Objective 2</td>
<td>Water and land is recognised as an enabler of the economic, social and cultural wellbeing of the region.</td>
<td>Support in part</td>
<td>It is appropriate to recognise that water and land are enablers of economic, social and cultural wellbeing of the Southland region. Without access to such resources, certain activities and industries could not continue and this objective suitably recognises this. Alliance does however consider that this objective needs to be better supported by ensuing policies and rules. There does not appear to be any policies that enable activities to use water and land in a sustainable way.</td>
<td>Retain objective, and include additional policies and rules to better support this objective.</td>
</tr>
<tr>
<td>Objective 6</td>
<td>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.</td>
<td>Oppose in part</td>
<td>Alliance is concerned that this objective imposes an absolute requirement that there is no reduction in the quality of freshwater. This does not provide any acknowledgement that there may variability that will naturally be encountered in water quality scenarios across a range of different water bodies, estuaries and coastal lagoons, nor does it allow for any reasonable mixing to occur with respect to a point source discharge. The approach promoted by this objective is not considered to be consistent with the National Policy Statement for Freshwater Management (NPSFM) which requires regional councils to maintain “overall” water quality within a region or FMU. The position of the NPSFM is intended to allow some flexibility when councils set objectives by using trade offs, or ‘unders and overs’, across a region (or FMU). It does not require that there is absolutely no reduction in the quality of freshwater at any point in every surface water body, estuary and coastal lagoon throughout the region. If this were the case, it would very likely constrain economic growth and create significant difficulties for larger scale industries who would be unduly penalised for point source discharges. Alliance submits that this objective needs to be better aligned with the development of freshwater objectives for each FMU. It is noted that this is also consistent with the intent of the Proposed Regional Policy Statement and the draft consent order, for example it is understood that it has been agreed between all the parties subject to the appeal that Policy WQUAL.1 will be drafted as follows:</td>
<td>Amend the objective as follows: There is no reduction in the quality of freshwater within freshwater management units, and water in estuaries and coastal lagoons, by: (a) maintaining the overall quality of water in waterbodies, estuaries and coastal lagoons, where the water quality is not degraded; and (b) improving the overall quality of water in waterbodies, estuaries and coastal lagoons, that have been degraded by human activities.</td>
</tr>
<tr>
<td>Objective</td>
<td>Description</td>
<td>Support/Oppose</td>
<td>Notes</td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>-------------</td>
<td>----------------</td>
<td>-------</td>
<td></td>
</tr>
<tr>
<td>9a</td>
<td>The quantity of water in surface waterbodies is managed so that aquatic ecosystem health, life-supporting capacity, outstanding natural features and landscapes, recreational values, natural character, and historic heritage values of surface waterbodies and their margins are safeguarded; and (b) Provided (a) is met, water is available both instream and out-of-stream to support the reasonable needs of people and communities to provide for their social, economic and cultural wellbeing.</td>
<td>Support</td>
<td>Alliance considers this objective to be generally consistent with the requirements of the NPSFM in that it seeks to “safeguard” various values associated with surface water bodies, and is therefore appropriate.</td>
<td>Retain this objective.</td>
</tr>
<tr>
<td>11</td>
<td>Water is allocated and used efficiently.</td>
<td>Support in part</td>
<td>Alliance submits that this objective should be amended to better guide decision making in relation to efficient water use by reiterating the primacy of water supply for critical needs (such as animal welfare). This more likely links the objective to ensuing policies, thereby improving the coherence of the Plan.</td>
<td>Amend the objective as follows: Water is allocated and used efficiently having had regard to the primacy of community water supplies and priority takes.</td>
</tr>
<tr>
<td>16</td>
<td>Public access to river and lake beds is maintained, except in circumstances where public health and safety are at risk.</td>
<td>Support</td>
<td>Alliance submits that it is appropriate to limit public access to river and lake beds when public health and safety are at risk.</td>
<td>Retain this objective.</td>
</tr>
<tr>
<td>18</td>
<td>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.</td>
<td>Oppose in part</td>
<td>The reference to “good environmental management practice” needs to be defined in the Proposed Plan. Without such a definition it is not clear how this will be interpreted and applied. It is acknowledged that Appendix N of the Proposed Plan includes reference to management plans including a section relating to “good management practices” and this then further references examples of such good management practices as being included on Southland Regional Council’s website. Alliance submits that these measures should be included in the Plan so that it is clear what is meant by this reference, when they are required to be applied and how they will be evaluated. If this objective is only relevant to activities that require the preparation of a farm management plan then this should be more explicit in the drafting of this objective.</td>
<td>Amend the objective as follows: All farming activities operate at “good (environmental) management practice” or better in accordance with a Farm Management Plan to optimise efficient resource use and protect the region’s land, soils and water from quality and quantity degradation.</td>
</tr>
<tr>
<td>Policies 4 – 12</td>
<td>References to implementation of &quot;good management practices&quot;.</td>
<td>Oppose in part</td>
<td>In accordance with Alliance’s comments on Objective 18, there is concern that these policies make reference to &quot;good management practices&quot; which is not defined in the Proposed Plan. Appendix N appears to be the corresponding method however the linkages between these policies and this Appendix are not clearly established in the Plan.</td>
<td>Make amendments to these policies to ensure it is clear what activities they are to be apply to and make better linkages to Appendix N, relating to the preparation of farm management plans being the key method to achieve “good management practices”.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>
| Policy 13 | 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. | Oppose | Alliance submits that this policy is inconsistent with the higher order objectives of the Plan, as well as the requirements of the NPSFM. The NPSFM (Objective B1) specifies that the following components be safeguarded:  
1. life-supporting capacity  
2. ecosystem processes  
3. indigenous species including their associated ecosystems  
Whereas the significant values of wetlands and of outstanding freshwater bodies be protected (Objective B4).  
The “safeguarding” and “protection” ascribed by Objectives B1 and B4 of the NPSFM is also aligned with the requirements of the following sections of the RMA (as follows):  
5(b) – Safeguarding the life-supporting capacity of air, water, soil, and ecosystems;  
6(a) – The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;  
6(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.  
However, the Proposed Plan’s extension of “protection” in this policy does not correspond to the requirements to "safeguard" specified by Objective B1 of the NPSFM and s. 5(b) of the RMA. Alliance is concerned that the protection of certain values/elements as set out in this policy amounts to a requirement to avoid all effects. This would be inappropriate and inconsistent with the NPSFM, the Proposed RPS and the RMA. | Delete this policy. |
Alliance is also concerned that this policy does not acknowledge that there will be variances in the values that each FMU will be managed for in accordance with setting and implementing freshwater objectives.

Amend Policy 15 as follows:

**Policy 15**

**Maintain and improve**

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;

so that:

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. ANZEC sediment guidelines (as shown in Appendix C of this Plan) are met.

Oppose

Alliance opposes this policy on the basis that it is does not provide for any natural variation or upstream influences which may mean that compliance with the water quality limits set out in Appendix E cannot be practically achieved, regardless of the quality of the discharge or the effect of the activity.

The use of the term “avoid” also potentially creates a prohibition and while Alliance appreciates that Council is seeking to maintain and enhance water quality across the region and within FMUs, seeking to avoid all discharges which will result in a reduction in water quality is considered to be unduly onerous.

Alliance is also concerned that achieving an improvement in water quality within a water body will require a whole of catchment approach, and given this it may be appropriate to allow for a temporary short term degradation or non compliance with the water quality standards from a point source discharge, on the basis that improvements in other areas (i.e. non point source discharges) will achieve the maintain or improve obligation in the longer term.

In this regard, and as discussed above Alliance notes that Objective A2 of the NPSFM seeks to maintain or improve the overall quality of fresh water within a region, or a FMU. The supplementary document “A Guide to the National Policy Statement for Freshwater Management 2014” (MFE, 2014) notes:

*“…maintaining or improving all aspects of water quality everywhere may not be possible or desirable, economically or socially…Objective A2 allows for*
This policy does not recognise that in-catchment variations in water quality are likely and may not compromise overall catchment health. This policy could essentially prohibit all discharges that result in a water quality reduction regardless of the scale of the reduction and the degree to which the reduction compromises overall regional water quality objectives.

It is also noted that this policy requires that water quality achieves the drinking water standards. Presumably not all of the water bodies in Southland need to achieve this level of quality, rather those that are used for community/drinking water supply purposes. This matter would be better managed as a separate policy relating to the quality of water within community drinking water supplies.

Alliance is also concerned that Point 4 refers to ANZECC which are guidelines for sediment quality. Given that these are to act as guidelines, which as set out in Appendix C, if a certain threshold is triggered, warrants further investigation, Alliance is concerned about the use of such guidelines as a firm target or limit as proposed in Policy 15.

It is also not clear how these limits will work with the regional freshwater objectives and future limits that will be established in accordance with Policies 46 and 47 and applied at the FMU level. It is not clear if the standards in Appendix E are interim limits that will apply, or whether these limits will remain in addition to FMU catchment limits. Alliance submits that it should be made clear in this policy that Policy 15 will only apply in the interim, until such time as freshwater objectives and FMU limits have been developed and implemented. This is consistent with the Proposed Regional Policy Statement relating to the management of freshwater. It is also not clear if these limits are intended to apply at the catchment level, or whether they are to individual point source and non point source discharges.

Alliance is also concerned that some of the water quality standards in Appendix E, particularly for lowland soft bed river classifications are not appropriate and may need to be
re-assessed taking into account natural influences and variability, and other established water quality guidelines, particularly if they are going to be used to evaluate and assess point source discharges now and in the future. It is noted that Appendix E appears to recognise this issue and sets out that:

The standard for a given parameter will not apply in a surface water body where, due to natural causes, that parameter falls outside the range given in the standard.

Given that this note sits in the introductory text of Appendix E it is unclear how much weight it will have in the evaluation of objectives, policies and rules of the Plan. Given this it is submitted that the effect of this note should carried into the policies and rules of the Plan to give it sufficient weighting.

### Policy 17

1. Avoid adverse effects on water quality, and avoid as far as practicable other adverse environmental effects of the operation of, and discharges from effluent management systems.

2. Manage effluent systems and discharges from them by:
   - (a) designing, constructing and locating systems appropriately and in accordance with standards;
   - (b) maintaining and operating effluent systems in accordance with best practice guidelines;
   - (c) avoiding any surface run-off/overland flow, ponding or contamination of water resulting from the application of agricultural effluent to pasture;
   - (d) avoiding the discharge of raw sewage and untreated agricultural effluent to water.

**Oppose**

Alliance opposes the requirement to avoid all adverse effects on water quality arising from the discharge of an effluent management system. The directive to “avoid adverse effects on water quality” applies a generic requirement that precludes a balanced assessment of the merits of individual applications, the scale and effects of any discharges and any potential methods of remediation or mitigation.

Alliance also considers that proposed Policy 17 is vague in its use of the term “other adverse environmental effects”. The “other” effects of concern are unspecified. Alliance suggests that the scope of policies should relate to land and water management.

**Delete clause 1 of this policy.**

### Policy 20

Manage the taking, abstraction, use, damming or diversion of surface water and groundwater so as to:

1. Avoid, remedy or mitigate adverse effects from the use and development of surface water resources on:
   - (a) the quality and quantity of aquatic habitat;
   - (b) natural character values, natural features, and amenity, aesthetic and landscape values;
   - (c) areas of significant indigenous vegetation and significant habitats of indigenous fauna;
   - (d) recreational values;
   - (e) the spiritual and cultural values and beliefs of tangata whenua;

**Support**

Alliance considers this policy to address all the relevant matters when considering applications to take, use, dam or divert water bodies.

**Retain this policy.**
(f) water quality, including temperature and oxygen content;
(g) the rights of lawful existing users;
(h) groundwater quality and quantity;
(i) historic heritage values;
(j) mātaitai, tālāpure and nohoanga;

2. avoid, remedy or mitigate significant adverse effects from the use and development of groundwater resources:
   (a) long-term aquifer storage volumes;
   (b) the reliability of supply for existing groundwater users;
   (c) surface water flows and levels, particularly in spring-fed streams, and aquatic ecosystems and habitats; and
   (d) water quality;

3. ensure water is used efficiently and reasonably by requiring that the rate of abstraction and abstraction volumes specified on water permits to take and use water are no more than reasonable for the intended end use;

4. recognise the positive effects resulting from the use and development of water resources.

| Policy 25 | When issuing a water shortage direction, Environment Southland will give priority to water abstraction for the following uses:
1. reasonable domestic needs;
2. reasonable animal drinking needs;
3. fire-fighting purposes;
4. public health needs; or
5. animal welfare needs. | Support in part | Alliance supports the priority takes as proposed.
Alliance abstracts water for community supply and for animal welfare needs. The latter is especially the case in times of drought when farm de-stocking requires Alliance to maintain operations. Alliance is however concerned that the reference to "animal welfare needs" may be too broad, and should explicitly refer to the processing of stock for animal welfare needs. | Amend the policy as follows:
When issuing a water shortage direction, Environment Southland will give priority to water abstraction for the following uses:
1. reasonable domestic needs;
2. reasonable animal drinking needs;
3. fire-fighting purposes;
4. public health needs; or
5. stock processing for animal welfare needs. |

| Policy 26 | Recognise and provide for the national and regional significance of renewable electricity generation activities (including the existing Manapouri hydro-electric facilities in the Waiau catchment), and the national, regional and local benefits relevant to renewable electricity activities, when:
1. allocating surface water abstraction, damming, diversion and use; and
2. considering all resource consent applications for surface water abstractions, damming, diversions and use. | Support in part | Alliance supports this policy, but considers that additional policies are needed in the Plan to also recognise and provide for the benefits that can be derived from the use of water associated with industrial and other infrastructure activities. | Include additional policies recognising and providing for the use of water associated with industries and other infrastructure in the Southland Region which are of regional significance. |
When considering resource consent applications for water permits:

1. consent will not be granted if a waterbody is fully allocated, or to do so would result in a waterbody becoming over allocated or over allocation being increased;
2. consents replacing an expiring resource consent for an abstraction from an over-allocated waterbody may be granted with a lesser volume and rate or take proportional to the amount of over-allocation and previous use;
3. installation of water measuring devices will be required on all new permits to take and use water, and existing permits in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations 2010;
4. where appropriate, minimum level and/or flow cut-offs and seasonal recovery triggers on resource consents for groundwater abstraction will be imposed;
5. conditions will be specified relating to a minimum flow/level, in accordance with Appendix L, to all new or replacement resource consents (except for water permits for community water supplies, other priority water takes and waterbodies subject to minimum flow and level regimes established under any water conservation order) for:
   (a) surface water abstraction, damming, diversion and use; and
   (b) groundwater abstraction where there is Riparian, Direct or High degree of hydraulic connection in accordance with Policy 23 “Stream Depletion Effects” and the stream depletion effect exceeds two litres per second.

Oppose in part

Alliance’s water takes are considered to be priority water takes, which enable the plants to continue to operate in order to process stock during times of drought conditions when animal welfare is at stake. Given this Alliance submits that it may not be appropriate to impose minimum flow restrictions on all new or replacement consents, particularly for those which are considered to be priority or essential takes such as those necessary for stock processing during extreme drought conditions.

Alliance also notes that there appears to be an error in point 5 in that it refers to Appendix L, and Alliance submits that this reference should be Appendix K.

Amend the point 5 as follows:
5. conditions will be specified relating to a minimum flow/level, in accordance with Appendix LK, to all new or replacement resource consents (except for water permits for community water supplies, other priority water takes and waterbodies subject to minimum flow and level regimes established under any water conservation order) for:
   (a) surface water abstraction, damming, diversion and use; and
   (b) groundwater abstraction where there is Riparian, Direct or High degree of hydraulic connection in accordance with Policy 23 “Stream Depletion Effects” and the stream depletion effect exceeds two litres per second.

Except as provided for elsewhere in this Plan the discharge of any:
(a) contaminant, or water, into a surface waterbody; or
(b) contaminant on to or into land in circumstances where it may enter a surface waterbody;
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

Oppose in part

As set out above, Alliance is concerned that the standards in Appendix E do not allow for any natural variability or consideration of state of the environment upstream of the discharge. Alliance is also concerned that they may not be appropriate for a point source discharge compliance limit.

For example, it may be that the natural or existing quality of the river does not meet the standards set out in Appendix E, and despite the quality or treatment of the discharge compliance with the limits in Appendix E is unachievable. Given this Alliance seeks to ensure that the water quality standards in Appendix E have been appropriately

Ensure that the water quality standards set out in Appendix E have been appropriately developed taking into account natural variability, community values and uses, and other relevant water quality guidelines.

In the absence of this being demonstrated adapt the rule such that Appendix E is not used as a “standard” or amend the rule as follows:

Except as provided for elsewhere in this Plan the discharge of any:
(ii) The discharge does not contain any raw sewage.

Derived taking into account existing natural variability, and other water quality guidelines.

Alliance also submits that a fully discretionary activity for a discharge which does not contribute to a reduction in water quality standards is too onerous. Alliance submits that a restricted discretionary activity would be a more appropriate resulting activity status.

(c) contaminant, or water, into a surface waterbody; or

(d) contaminant onto or into land in circumstances where it may enter a surface waterbody;

is a restricted discretionary activity provided the following condition is met:

(i) the discharge does not cause a reduction in 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.

Rule 6

Except as provided for elsewhere in this Plan the discharge of any:

(a) Contaminant, or water, into a surface waterbody; or

(b) Contaminant onto or into land in circumstances where it may enter a surface waterbody that does not meet the conditions in Rule 5;

Is a non complying activity.

Oppose

The Operative Plan provides an exemption from non-complying activity status at Rule 2(b) for discharges of treated wastewater from Alliance’s Lorneville Plant to the Makarewa River. Pursuant to Rule 2(b), these discharges are provided for as a discretionary activity.

This operative rule 2(b) recognises the nature of the receiving environment. The receiving environment is such that regardless of the extent of treatment of Alliance’s discharge, it is unlikely that the water quality standards of Appendix E would be met in this part of the Makarewa River. Alliance therefore considers that it would be appropriate for the Proposed Plan to carry forward the Operative Plan’s recognition of the constraints of the receiving environment, through the inclusion of an exemption from non-complying activity status for Alliance’s discharges of treated wastewater to the Makarewa River and provision of a discretionary status for these discharges. As outlined above, it may also in some circumstances be appropriate to allow point source discharges from regionally significant industry to exceed the water quality standards, provided improvements in the catchment as a whole are being achieved.

Alliance considers that the local, regional and national significance of its Lorneville Plant is of a nature that warrants the continued provision of a discretionary rather than non-complying activity status for discharges to the Makarewa River.

Given the comments above, Alliance also submits that a more appropriate activity status would be that of discretionary for discharges which do not achieve the water quality standards. Such an activity status would enable a
| Rules 5 - 19 | Discharges to water | Oppose in part | Alliance submits that the structure of Rules 5 – 19 is difficult to understand and there are difficulties in determining the resulting activity status. For example, if a discharge of water cannot comply with Rule 8, it is not clear whether this activity would become a discretionary activity under Rule 7, or a non complying activity under Rule 6. | Better clarify the relationship and resulting activity status between the various discharge rules. Delete rules that are unnecessarily duplicated. |
| Rule 9 | Discharge of agrichemicals onto or into surface water | Oppose in part | Consistent with Rules 10(a) and 11(a) Alliance considers that this rule should also require that the use of any agrichemical is in accordance with any approval and conditions issued in accordance under HSNO. Alliance also considers that the discharge of such chemicals should not occur within close proximity to identified potable water supply such as those sites set out in Appendix J, as significant contamination and health risks could arise if so. | Amend Rule 9 as follows: Rule 9 – Discharge of agrichemicals onto or into surface water The discharge of agrichemicals and any associated wetting, antifoaming and antidrifting agents and marker dyes, into surface water, is a permitted activity provided the following conditions are met: (a) the discharge is for the purpose of eradicating, modifying or controlling excessive growth of aquatic plants, (b) the agrichemical is approved for aquatic use within New Zealand under the Hazardous Substances and New Organisms Act 1996, and the use and discharge of the substance is in accordance with any and all of the conditions of the approval; … (g) the discharge does not occur within the microbial health protection zone of a drinking water supply site identified in Appendix J, or where no such zone is identified, then 250 metres of the abstraction point of a drinking water supply site identified in Appendix J. |
| Rule 32 | Effluent storage | Oppose | Rule 32(a) provides for the use of land for the construction of any effluent storage, including of wastewater, sludge, or effluent from an industrial or trade process or agricultural effluent as a restricted discretionary activity. The conditions attached to this rule (among others) require that the pond is setback at least 50m from any surface water body. Failure to comply with these conditions results in a non complying activity status. Alliance submits that the leap between restricted discretionary and non complying in this case is too great. The conditions attached to Rule 32(a) are arbitrary and failure to comply with those conditions will not necessarily | Amend Rule 32(b) to discretionary activity status. |
result in significant adverse effects, or such risk that warrants a non complying activity status.

For example, Alliance’s Lorneville Plant wastewater treatment ponds are located within 50m of the adjacent Makarewa River. Assessments associated with the reconsenting of various discharges and activities at the Plant have not identified any adverse effect arising from the proximity of these ponds to the river. Given this Alliance does not consider a default non complying activity is appropriate.

| Rule 34 | Discharges to land from industrial and trade processes | Oppose | This rule sets out that the discharge to land of wastewater, sludge, or effluent from industrial and trade processes is a discretionary activity provided certain conditions relating to the infrastructure used to store such material are achieved.

Failure to comply with these conditions result in a non complying activity status.

As above, Alliance submits that these conditions appear to be somewhat arbitrary and not likely to reflect real risk or effects associated with the discharge of such material to land. Given this, it is not considered appropriate for the default activity status to be non complying. A discretionary activity status would be appropriate in allowing a full assessment of the effects arising from the discharge of effluent or sludge to land from an industrial or trade process. | Delete (i) and remove the non complying activity status for such activities. |

| Rule 38 | The discharge of solid animal waste to land | Support | Alliance supports a permitted activity status for the discharge of solid animal waste to land. The conditions attaching to this rule provide ample scope to ensure that the relevant effects can be appropriately addressed. | Retain Rule 38 |

| Rule 49 | Abstraction of water | Oppose | Alliance is concerned that there is not sufficient recognition and provision for existing infrastructure including smaller scale hydroelectric generation infrastructure that supports industry in the drafting of Rule 49.

Alliance currently holds water permits that enable water from the Mataura River to be dammed, diverted and used for hydroelectric power generation purposes (consent 98031). The Water Conservation (Mataura River) Order 1997 also specifically recognises and exempts this existing infrastructure from having to comply with its conditions, provided any future water permits are renewed and/or | Insert a new ambit to Rule 49 providing that the non consumptive taking and use of surface water (outside the Waiau catchment) relating to an existing permit is a restricted discretionary activity. |
 november 2020

granted subject to similar terms and conditions of the former (existing) permits.

Such an activity is a non consumptive take but may not be able to comply with the conditions attaching to Rule 49(b) (i.e. water being returned within 100m). The rule structure then requires consideration of whether the take achieves the allocation limits specified in the Plan. If this is achieved a discretionary activity status is applied, if not this defaults to non complying.

Alliance submits that with regard to a non consumptive take, that provides significant community and local benefits, a non complying activity status is not considered to be appropriate. Alliance submits therefore that a similar rule such as that provided for existing infrastructure in the Waiau catchment is created (Rule 51), which provides for renewal applications to be discretionary activities.

<table>
<thead>
<tr>
<th>Rule 50</th>
<th>The taking and use of water for a community water supply</th>
<th>Support in part</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alliance considers that in addition to abstractions for community water supply, other essential water takes should also be given priority. It would therefore be appropriate that consents to renew existing priority water takes should also be given a controlled activity status.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Amend the rule as follows:

(a) *Existing Community Water Supply and Priority Takes*

(i) *Notwithstanding Rule 49,..., the taking and use of water for a community water supply or other priority water take is a controlled activity provided:*

... |

<table>
<thead>
<tr>
<th>Rule 60</th>
<th>Dams and weirs</th>
<th>Oppose in part</th>
</tr>
</thead>
<tbody>
<tr>
<td>The use, placement, erection or reconstruction of small scale dams or weirs are a permitted activity provided the conditions of Rule 60(a) can be achieved. Dams or weirs in the Mataura, Oreti or Waikaia Rivers are not permitted pursuant to Rule 60(a)(viii).</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Rule 60(d) provides for the placement and erection of dams or weirs in the Mataura or Waikaia River, including the tributaries as a prohibited activity.

As set out above dams and weirs within the Mataura River are prohibited under the Water Conservation Order, with the exception of existing dams/weirs provided permits are issued on similar terms. Given this exception, Alliance considers that this needs to be also reflected in the provisions of the Plan. Although it is noted that Rule 60(d) relates to the "placement" and "erection" of dams, rather than the ongoing use, there is concern that this rule could be triggered upon reconsenting of the dam structure, or if

Amend Rule 60(d) as follows:

The placement or erection of new dams or weirs in the Mataura or Waikaia River, including the tributaries is a prohibited activity. This does not include the reconstruction of any existing dams or weirs.
the existing structure is damaged and needs to be upgraded and/or replaced. Given this Alliance considers that Rule 60(d) also needs to be clear that an exemption exists to the renewable of dam/weir permits in the Matarua River.

### Appendices

<table>
<thead>
<tr>
<th>Appendix</th>
<th>Title</th>
<th>Oppose in part</th>
</tr>
</thead>
</table>
| Appendix E| Water Quality Standards| The water quality standards in Appendix E appear to be a “rollover” from the existing water quality standards contained in the operative Water Plan. Given this it is not clear whether any assessment or consideration has been given as to whether they are still appropriate, particularly in terms of section 32 of the RMA.

With regard to the lowland river standards Alliance submits that standards do not appear to have been developed taking into account natural variability or assessments of existing water quality in such river systems and as such some of the standard or limits appear to be inconsistent with existing conditions, resulting effects and also other water quality guidelines and standards that are available. For example water clarity of 1.3m would be difficult to achieve naturally in most of the lowland river bodies in Southland.

It is noted that the introduction to Appendix E, sets out that where “the standard for a given parameter will not apply in a surface waterbody where, due to natural causes, that parameter falls outside the range given in the standard”. Alliance submits that proving or demonstrating this as part of an individual assessment could be potentially difficult and it would be preferable to ensure the water quality standards that are set as compliance measures in the Plan have been derived following robust state of the environment investigations undertaken by the Council. It is also unlikely that reliance on this statement would be acceptable, given the requirements of Rule 5 of the Proposed Plan which requires compliance with the standards set out in Appendix E to retain a discretionary activity status.

It is also not clear how these standards will be impacted on or change due to the limit setting process that is yet to occur with regard to the identification and management of FMUs in the region. As the limits specified in Appendix E are given effect through rules, it is presumed that the relevant existing rules will require amendment or deletion and new rules will

Amend the standards to ensure they take appropriate account of existing and natural variability to ensure the limits are not unduly onerous. Undertake a review to ensure the standards have been developed undertaking a robust analysis of each water body and are appropriate in each circumstance, and make amendments to the limits if required as a result of this review process. For example, Alliance submits that an appropriate limit for water clarity for lowland rivers is a no greater than 33% change compared with upstream.

Provide further clarification around the implications of the introduction of FMU provisions for provisions that are operative in the Plan at the time. Clarify whether the limits in Appendix E are therefore interim or temporary catchment limits, or whether they will remain for assessment against all point source discharge consents.

Amend the standards to ensure they take appropriate account of existing and natural variability to ensure the limits are not unduly onerous. Undertake a review to ensure the standards have been developed undertaking a robust analysis of each water body and are appropriate in each circumstance, and make amendments to the limits if required as a result of this review process. For example, Alliance submits that an appropriate limit for water clarity for lowland rivers is a no greater than 33% change compared with upstream.

Provide further clarification around the implications of the introduction of FMU provisions for provisions that are operative in the Plan at the time. Clarify whether the limits in Appendix E are therefore interim or temporary catchment limits, or whether they will remain for assessment against all point source discharge consents.
| Appendix J | Drinking water protection zones | Oppose in part | Two of Alliance’s abstractions are identified in Appendix J. Alliance supports this as it gives effect to the relevant rules which seek to ensure that buffers are provided around potable water supply sites to avoid the contamination of such water resources. Alliance considers however that this Appendix should be broadened to also include reference to all of its takes within the Southland Region, including takes from the Makarewa River for the Makarewa Plant and from the Mataura River. All of these takes are priority takes which need to be of a high standard to be used in all facets of the meat processing plant as well as supplying potable water sources. | Retain reference to Alliance’s water takes from the Oreti and Makarewa Rivers, but also include its takes from the Makarewa and Mataura River for its other plants and potable water requirements. |