

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on the Proposed
Southland Water and Land Plan

BY **FEDERATED FARMERS OF NEW ZEALAND
INCORPORATED**

(SOUTHLAND PROVINCIAL DISTRICT)

Submitter

TO **ENVIRONMENT SOUTHLAND**

Local authority

**BRIEF OF EVIDENCE OF DARRYL ALLAN SYCAMORE ON BEHALF OF
FEDERATED FARMERS OF NEW ZEALAND INCORPORATED (SOUTHLAND
PROVINCIAL DISTRICT)**

Dated: 8 June 2017

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- 1 My name is Darryl Allan Sycamore.
- 2 I am a Senior Regional Policy Advisor for Federated Farmers of New Zealand (Federated Farmers), and have held this position since April 2017.
- 3 I hold the qualification of Bachelor of Science from the University of Otago and am a Member of the New Zealand Planning Institute. I have over 14 years experience as a resource management practitioner, covering roles with the Dunedin City Council, Otago Regional Council and the West Coast Regional Council.
- 4 Prior to my recent employment with Federated Farmers, I was employed as a Planner at the Dunedin City Council (DCC) and had held that position since February 2008. My primary task was to process land use and subdivision consents including the preparation of s42A reports for both non-notified and notified consents. I also managed a private Plan Change project and have contributed to the development of the DCC's Second Generation District Plan.
- 5 At the Otago Regional Council, I was employed for three years as a Resource Consents Officer, initially considering all forms of consent applications before specialising as the principal officer processing consents for the management and remediation of activities associated with the mining industry, municipal landfills and contaminated sites. At the West Coast Regional Council I was employed for two years as a Compliance Monitoring Officer, dealing primarily with dairy farm management and all aspects of the coal and gold mining industry.
- 6 I am also one of eight statutory appointed Guardians of Lakes Manapouri, Monowai and Te Anau. The Guardians make recommendations to the Minister of Conservation on matters arising from the environmental, ecological and social effects associated with hydro-electric power generation in Te Anau-Manapouri and Monowai. We oversee the implementation of management plans that guide the operation of those schemes by Meredian Energy Limited and Pioneer Generation Limited.
- 7 In preparation of this submission, I confirm I am familiar with Southland and its river catchments.
- 8 For the purpose of clarity, I was not associated with, or employed by Federated Farmers at the time the submission or further submissions lodged on behalf of Federated Farmers.
- 9 I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014. It is appropriate to clarify I am providing this submission as an advocate rather than an expert planning witness.

General Comments of the Plan as Notified and Officers Report

- 10 Thank you Sir. Federated Farmers appreciate the opportunity to speak to our written submission. Being mindful of timeliness, I will reiterate the key points of contention for the Southland membership.
- 11 In preparing the submission on the Proposed Plan, Federated Farmers consulted widely with its almost 1,400 Southland members through an online survey, member advisories, and four farmer meetings. Our engagement has shown that farmers have a wide range of concerns in terms of the overall broad approach to the proposed plan. Our members are concerned this plan could affect the viability of their family business.
- 12 Our members are concerned that some of the provisions within the Proposed Plan preempt the limit-setting process. There is an underlying assumption within the Plan that Southland's water resources are over-allocated in terms of both water quality and quantity. This has resulted in rules that assume there is little or no capacity for further land utilisation, specifically in certain physiographic zones. We consider this approach premature.
- 13 We do not consider that it is justifiable to impose such stringent restrictions on land use before the limit-setting process. In taking this step, Council is essentially implementing a 'solution' to a problem that has not yet been quantified.
- 14 Once a limit is established, it will be difficult if not impossible, to modify such land use restrictions at limit-setting even though the Plan allows Freshwater Management Units (FMUs) to develop catchment-specific provisions. This is particularly concerning because restrictive and directive provisions essentially undermine the limit-setting process.
- 15 Sir, Mr Heller draws his conclusions directly from Environment Southland's water quality data and reporting. His opinion is the data shows that the management of overland and riparian contaminants, and particularly phosphorus, should be the main focus of the plan to enable the "hold the line" approach until limit setting is complete. This is irrespective of land use type or intensity.
- 16 Applying physiographics is also in the face of stable to improving nitrate concentrations in Southland's aquifers and rivers. The water quality state and trend data confirms that for nitrate, the hold the line proposition is already being satisfied. And what is not

identified by the physiographics approach, is that most of Southland's rivers and streams are phosphorus-limited, which necessitates a regional focus on the control of phosphorus simply to hold the line based upon measureable environmental effect.

- 17 Federated Farmers expects the catchment limit-setting process to be an iterative process where catchment landowners, Environment Southland and the community of interest work together to develop objectives, methods, and limits that are relevant and specific to each catchment. It is not appropriate nor anticipated by the NPS-FM for Council to impose limits and then 'consult' with the community following the Schedule 1 process.
- 18 While we acknowledge that some actions need to be taken to maintain water quality in the lead-up to limit-setting, we consider that interim region-wide implementation of good management practices will stop the declining trends in identified nutrient hotspots. With Southland's short to non-existent lag times, we could tangibly see and measure state and trends before limit-setting is completed. With a more balanced interim approach, any success from the application of GMP can then be measured and applied.

Primary Sector

- 19 Sir, the primary sector is crucial for Southlands wellbeing. This Plan reinforces the discrepancy often applied to regulatory documents between land use, environment and economics. In our view, economic implications are effectively cast aside by this Plan.
23. Federated Farmers believes that the Council has not appropriately considered the economic cost of implementing the Plan in its current form. We consider the Proposed Plan does not provide for a balancing of social, cultural economic and environmental factors as required by the RMA.
24. To illustrate, there are no objectives or policies that carry through consideration of Southland's economic future in the proposed policy framework or s42A report. Federated Farmers is concerned that without appropriate recognition of, and provision for, the use of land and water to support the Southland economy, the financial sustainability of farming in the region could be at risk.

25. The Southland region has a high reliance on primary production. Approximately 24% of the regional GDP comes directly from the primary sector, twice that of the next closest region. Further, a significant proportion of the business community is reliant on spending by those in the rural sector. The economic and social implications of any regulation which impacts primary production are relatively greater than is the case in other, less rural or primary production reliant regions.
26. To grow the region as desired in the Southland Regional Development Strategy, we need to support primary industries and enable appropriate extension and development while addressing water quality. In order to do this, the Proposed Plan needs to provide for flexibility, innovation, and growth. By focusing on effects, rather than activities, the Plan can provide scope for farmers to develop their businesses. Conversely and as an example, by making new or expanded dairy farming non-complying in some zones, the Plan shuts down one avenue for growth regardless of the actual environmental impacts.
27. Federated Farmers seek the inclusion of new objectives and policies that acknowledge the significant contribution and importance of the primary sector to the Southland economy.

The Plan is Rural-centric and Does Not Address Urban or Other Discharge Sources

28. Federated Farmers is concerned the Plan is rural-centric and takes an overall negative tone towards the rural sector. As the Plan relates to both rural and urban environments, the lack of rules or policy to affect change in urban discharges is noticeable by their absence. The RMA is an effects based document, and Federated Farmers would have contemplated appropriate weighting be applied to both rural and urban settings.
29. To illustrate the discrepancy, Policy 16 relates to 'Farming activities that affect water quality'. Yet there is no Policy that addresses urban activities that affect water quality. There should be.
30. Objective 18 in the Officers Report requires "*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"*". Municipal wastewater

treatment plants for example, are part of *'all activities'* and should also be compelled to meet this objective and rule.

31. Policy 40 foreshadows shorter resource consent terms in the lead-up to limit-setting for the primary sector. This means that farmers may have to invest significant capital to get a discharge consent that only lasts for a few years. At best, you get a 10-year term for dairy farming, but urban discharge consents are typically granted for 20 or more years. The ICC is currently seeking a 25-year term for a suite of storm-water consents.
32. Many farmers are also concerned about the inequitable way Environment Southland requires rural dischargers to continually 'up their game' with regard to farm infrastructure, whereas urban storm-water and sewerage systems are allowed to deteriorate and become out-dated such that they can discharge untreated human wastewater to water with perceived impunity. This is not an 'effects based' approach nor appropriate as the receiving environment does not discriminate against the source of nutrient inputs.
33. To conclude, if Environment Southland genuinely wants to maintain or improve water quality, any interim Plan must apply an even hand to all stakeholders and recognise the wider environmental setting rather than taking an emotive stance picking at the low-hanging fruit.

Physiographics to Inform Statutory Provisions

34. Federated Farmers supports Council's science programme, however we oppose the way Environment Southland has used the physiographic science to underpin the provisions in the interim Proposed Plan. The Southland membership unequivocally seek that physiographics remain outside the Plan framework.
35. Moreover, ES has not quantified the risk of contaminant loss between zones. If the risk is only slightly greater, it is not justifiable particularly given economic reliance/costs to impose such significant restrictions. We understand that there are no 'good' or 'bad' physiographic zones, they just need to be managed differently. There are specific good management practices and mitigating options farmers can take to reduce the risk of contaminant losses while not imposing a non-complying assessment criteria. This approach will hinder innovation.

36. Federated Farmers is particularly concerned that ES has not 'ground-truthed' the model. Our membership has expressed concern that the characteristics of the physiographic zone, or zones, attributed to their farm does not equate with their knowledge and understanding of the land.
37. Given that the physiographic science is a risk-based model that does not link directly to water quality state and trend, we consider that it is premature for the work to underpin rules which seek to make some farming activities non-complying. The implications of such rules are significant in terms of rural productivity.
38. To illustrate, the non-complying status for new and extended dairy farms and intensive winter grazing over 20ha in the Old Mataura and Peat Wetlands physiographic zones is in our view, not appropriate. There is insufficient information known about the allocation status of each catchment or nutrient loading rates, which will vary from site to site and year to year. This is not an effects based approach and the non-complying status is unnecessarily onerous and is simply not appropriate. The variation and site specific uncertainty demonstrates why physiographics should not be used to inform rules or policy in this interim Plan.
39. We conclude that the conceptual model is a sound platform for understanding and explaining the spatial controls over hydrochemistry outcomes in Southland. It is exactly as the authors note, a conceptual model and to rely on it to inform the policy framework is erroneous.
40. What is concerning, three interest groups have submitted to this Plan seeking some land use activities are assessed as non-complying within the Riverine, Gley and Oxidised zones. Even more perverse, two other submitters seek that intensive winter grazing on Old Mataura and Peat Wetland physiographic zones be prohibited activities. There is no logical rationale for this position.
41. If those interest groups convince the Panel their argument is indeed correct, the Council will be saying that Southland is effectively closed for business in terms of the primary sector. Economic margins are simply too fine in the current environment for the farming community to close large tracts of land to production, or significantly reduce stock

numbers These submitters have no skin in the game, and have no interest or consideration of Southland's economic wellbeing.

42. Federated Farmers respectfully seeks that physiographics are removed from the Plan and Good Management Practice be clearly defined and applied to the interim Plan to address water quality.

Lack of Understanding in Terms of Over-Allocation

43. The Federated Farmers membership is concerned that there is underlying assumption within the plan that Southland's water resources are over-allocated in terms of both water quality and quantity. This assumption first reveals itself within the Objectives section where there is an Objective relating to 'over-allocation of freshwater' but none relating to water resources which are either under or at allocation. This distinction implies an obvious negative bias and lacks objectivity.
44. Objective 7 should not form a part of the Water Plan until limit-setting, when the science component is complete. If we do have over-allocated waterways, Council and the community can then develop a plan to appropriately address this on a case by case basis informed by science rather than emotion.

Intensive winter grazing

45. Sir, I would like to comment on the proposed Intensive Winter Grazing provisions. Livestock require feeding all year round. In Southland, stock are unable to be fed using extensive farming practices during winter as the cold temperatures impede grass growth and the climate is simply too unforgiving to stock. Soil saturation can also lead to damage to grass and soil, which in turn limits pasture growth in spring.
46. Federated Farmers acknowledges that intensive winter grazing on fodder crops is a high risk period for both nutrient and sediment losses. Winter is also a critical time for animal welfare as stock must be fed.
47. We oppose the hectare based threshold for intensive winter grazing on fodder crops, which will push farmers who cannot meet the crop hectare threshold into a consenting regime. Many large-scale and hill and high country farmers would automatically require a consent

because 50 hectares of winter fodder crops is simply insufficient to feed the thousands of stock units that they farm.

48. While a restricted discretionary activity status is a lower threshold to meet than discretionary or non-complying, it still enables Environment Southland to decline applications. We question what option farmers have if Environment Southland decline applications to intensively winter graze stock on forage crops? It potentially puts a whole farming system into jeopardy, unless the farmer can find an alternative site with capacity to feed additional stock on their property over the winter, or significantly de-stock such that 50ha will suffice. With such uncertainty year after year, we cannot support intensive winter grazing on fodder crops be subject to a resource consent regime.
49. As a practical alternative, we consider that intensive winter grazing must remain a permitted activity subject to Good Management Practice conditions, such as set-backs from waterways, feeding stocking towards waterways, and feeding critical source areas and grass buffers last. This combined with the proposed intensive winter grazing maps in a Management Plan would ensure all wintering is undertaken in accordance with good management practice.

Farm Environmental Management Plans

50. Federated Farmers supports the concept of Farm Management Plans as outlined in Appendix N of the Proposed Plan. Implementing Good Management Practice will in our view will improve water quality. Bernadette Hunt will expand on this issue on behalf of the Southland members.
51. Applying good management practices on-farm which are clearly articulated in a Management Plan should remove farmers from the resource consent regime. We are therefore naturally disappointed that the Proposed Plan does the opposite by introducing a requirement for farmers to gain resource consent to undertake normal farming activities
52. As part of that consent process there is now also a need to have a Farm Management Plan. Federated Farmers firmly believe that the implementation of good management practices in conjunction with a Farm Environmental Management Plan (FEMP) in Southland will

improve water quality quicker and more efficiently than requiring resource consent for normal farming activities.

64 Federated Farmers also oppose the requirement for a Nutrient Budget in the Management Plan for all but dairy. Dairy farms are already required to prepare extensive Overseer budgets which Council reviews through the consenting process. To develop a nutrient budget for a mixed operation with crop rotations would be extremely complex, and we understand that Overseer is particularly inaccurate outside of dairying. This was found by the Southland Economic Project which had to exclude three sheep and beef farms from the study out of the 95 selected farms because they "were so complex they were unable to be modelled realistically in Overseer". That project engaged experts who couldn't accurately model non-dairy farming systems, yet this plan expects every individual farmer to model their farm using Overseer. If the experts cannot apply Overseer on these farms, how can Environment Southland expect the farmers to do so?

65 We do not believe that the information gained from an Overseer budget will provide any tangible benefit to non-dairy farmers, and it will not impact water quality. Again, good management practice is the answer to addressing the purpose of the interim Plan, the NPS and obtaining the buy-in from the farming sector that contributes hugely to Southland's well-being.

66 It is important that the Farm Management Plan provides an effects-based approach to managing water quality issues. If not, the risk is that farmers will not support the concept, and the potential benefits will not be realised.

Hill and High Country Farming

67 Sir, our Hill and High country members are concerned with how this Plan will affect their businesses. We consider the Proposed Plan does not make adequate provision for hill and high country farming systems. These properties cover thousands of hectares, and run tens of thousands of stock units. The requirements for managing these properties are vastly different than those from an average lowland intensively farmed landholding.

68 The intensive winter grazing rule restricts wintering to 50 hectares as a permitted activity for the Bedrock/Hill Country physiographic zone. This permitted activity threshold is not appropriate for a 5,000-hectare high country station. Under the proposed Rule, most hill

and high country farms would require resource consent for their normal wintering activities which offers little environmental benefit and may be economically crippling to implement.

69 Proposed Rule 23 is not effects-based as hill and high country stations are only wintering on a tiny percentage of the overall landholding. Compared to a smaller more intensive farm wintering on 50 hectares, an extensively farmed property is having a much smaller proportional impact on the environment irrespective of whether wintering is over a larger area or not.

70 We consider that the intensive winter grazing rule needs to be flexible enough to allow large farms to winter their stock as a permitted activity. We consider intensive winter grazing on forage crops is a necessity in Southland, and therefore we oppose any hectare restrictions on intensive winter grazing. Nutrient and sediment migration can then be managed using GMP.

71 The stock exclusion provisions are inappropriate and in many circumstances unworkable for hill and high country farmers. The primary issue is animal welfare. All stock must have access to drinking water and very few hill and high country farms have reticulated water systems for stock. On many farms it would be impossible to establish a farm-wide reticulated system for stock drinking water. Even if the systems could be installed, access to a power supply to pump the water to troughs can be challenging for many farms. Furthermore, the climate would hinder reliability such that any system would require constant monitoring and management of the piped network.

72 Federated Farmers seek that for hill and high country farms with an average stocking rate of five units or less per hectare, Rule 70 does not apply. This is a practical, effects based approach.

Cultivation Setback Provisions

73 Our Southland members are concerned at the proposed setback provisions for cultivation. While we support set-backs for cultivation from waterways to reduce sediment and loss of top-soil, the extent proposed in this Plan is unnecessarily onerous. Under the Plan as notified, there is a significant amount of land that would not be able to be worked for crops further reducing productivity.

- 74 Federated Farmers does not accept the view sediement would migrate such long distances over well-established pastures under most climatic considtions. The exception of course is when the region is awash. A reduced set-back relative to vairing slopes as promoted in our written submission offers a practical balance whereby sediment loss is effectively managed while retaining land for primary production. To apply such wide set-backs is neither practical or justified.

Submission Summary

- 75 Overall, Federated Farmers is naturally disappointed at the focus of the proposed Plan. This plan as notified will in our view result in significant economic hardship to the rural sector, and also the Southland retail sector.
- 76 Federated Farmers is committed to improving relationships with stakeholders. We seek to develop practical solutions to water management while enabling environmentally sustainable growth within the Southland primary sector. Good Management Practice clearly prescribed for all stakeholders is a praticual solution to holding the line in this interim Plan.
- 77 Mister Chairman, that brings me to the end of my verbal submission. I am happy to answer any qustions the Panel may have before I invite Mr Heller to speak to his scientific evidence. Thank you.

ANALYSIS OF FEDERATED FARMERS SUBMISSION AFTER REVIEWING THE S42A REPORT RECOMMENDATIONS

Plan provision	Submissions/reasons	Decision Sought
Preamble - Paragraph 1	We are naturally disappointed that Council has chosen to open the document with a claim that much of the region's freshwater is deteriorating; we do not believe that based on ES State monitoring or the analysis carried out by Federated Farmer's expert, Tom Heller.	Rewrite paragraph as follows: <i>This Plan forms part of a suite of planning instruments which manage Southland's water and land resources. It provides a regulatory tool for a variety of issues relating to these resources, with particular emphasis on the management of activities that may adversely affect the quality of the region's freshwater, much of which is deteriorating.</i>
Preamble - Paragraph 2	We acknowledge the changes made by the s42A report writer.	

Plan provision	Submissions/reasons	Decision Sought
Introduction - Framework of this Plan and Freshwater Management Units	Paragraph 4 conflicts with Policy 45, as the introduction states region-wide provisions may be added to or replaced by FMU specific provisions. Policy 45 states that FMUs cannot alter the region-wide provisions.	That the Hearing Panel decision ensures the Proposed Plan: <ul style="list-style-type: none"> • is effects-based; • addresses real and immediate issues with water quality, not attempt to cover off 'risks' to water quality in future; • enables the use of land and the discharge of contaminants to provide for Southlanders' economic and social wellbeing; and • recognises farmers' efforts to reduce contaminant losses before limit-setting. <p>Ensure the introduction is consistent with Policy 45.</p>

Plan provision	Submissions/reasons	Decision Sought
Issues - Water Quality Water Quality Paragraph 4	<p>We disagree that there has been little management of non-point source discharges. ES has required resource consents for dairying farming for several years, and millions of dollars has been invested in the management of agricultural effluent in Southland.</p>	<p>Rewrite paragraph as follows:</p> <p><i>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. To date, there has been little management of non-point source discharges, particularly from rural activities, which cumulatively contribute significant amounts of contaminants to waterbodies. Despite some improvements being made, non-point source discharges from agricultural land are the most significant contributors of contaminants. Other types of land use, including industrial, urban, forestry, some landfills and horticulture also contribute contaminants.</i></p>
Issues - Water Quality Paragraph 5	<p>Land use intensification does not necessarily increase the amount of contaminants entering water.</p> <p>Adopting GMP is preferred as it is equally prescriptive, and is an evolving management tool. The term 'mitigate' is simply too vague in comparison.</p>	<p>Rewrite as follows:</p> <p><i>Land use intensification also tends to <u>may</u> increase the amount of contaminants entering water. Therefore requiring appropriate Good management practices and mitigations to be put in place can be used to ensure water quality can be is maintained or improved over time when intensification occurs.</i></p>

Plan provision	Submissions/reasons	Decision Sought
Physiographic zones - Whole section	<p>Please refer to our comments on the physiographic science in Part A of our submission.</p> <p>In summary, Federated Farmers considers it is premature to use the physiographic science to underpin the regulatory framework in the Proposed Plan.</p>	<p>Remove all references to physiographic zones from the Plan.</p> <p>Remove all restrictions on land use based on physiographic zones.</p> <p>Remove the physiographic maps from the Plan – this resource would sit outside the Plan similar to good management practices.</p>

Plan provision	Submissions/reasons	Decision Sought
	<p>The science has not been ground-truthed and there is no mechanism for landowners to review the physiographic zone their land has been placed in.</p> <p>The science provides a risk management framework for nutrient losses, but it does not specifically link to water quality outcomes.</p> <p>We understand that ES's aim in the lead-up to limit-setting is to maintain water quality. Research has shown that by implementing good management practices on-farm, nutrient losses can be greatly reduced, therefore actually improving water quality outcomes and going further than ES's own stated goals.</p>	<p>Enable the resource to be utilised by farmers to inform good management practices and voluntary mitigation measures on-farm.</p> <p>Require region-wide implementation of good management practises in order to maintain and improve water quality in the lead-up to limit-setting.</p> <p>The use of physiographics as a regulatory tool is not supported by the lead scientific author. It is a nutrient risk model.</p>
Physiographic zones - Variants	<p>ES have divided certain physiographic zones into variants, depending on the key transport pathways for contaminants, for example, overland flow and artificial drainage. Given artificial drainage can be added, modified, or not maintained, we consider that the key transport pathways are changeable, and therefore not suited to be referenced in a regional plan.</p>	<p>Delete physiographic zones and their variants from the Plan.</p>

Plan provision	Submissions/reasons	Decision Sought
Objective 2	<p>Objective 2 is the only one of 18 objectives that recognises that land and freshwater are resources which are used by people and communities in Southland to provide for their economic and social well-being.</p>	<p>Rewrite Objective 2 to read:</p> <p><u>Soil and freshwater are managed for their long-term sustainable use for a variety of activities, including the production of food and</u></p>

Submissions/reasons	Decision Sought
<p>Plan provision</p> <p>The use of land and freshwater for farming purposes drives the economy and community of Southland. This needs to be recognised and provided for in the land and water plan objectives. It is the long-term use and viability of these resources which drives this plan.</p>	<p><u>fibre, to enable people and communities in Southland to provide for their economic, social and cultural well-being.</u></p> <p><u>People have flexibility and choice to modify, change and develop land for farming purposes within a framework of long-term sustainable use.</u></p>
<p>Objective 6 Objective 6 is supported in principle, but the words need amending to reflect the objectives in the NPS-FM and the scope broadened.</p>	<p>Rewrite Objective 6:</p> <p><u>Water quality in freshwater bodies, estuaries, and coastal lagoons is maintained where it is in a healthy state and improved where it is degraded.</u></p>
<p>Objective 7 Objective 7 as currently worded is in fact a 'policy' or 'action' rather than an objective or goal.</p> <p>It is not yet known whether Southland's water is 'over-allocated'.</p>	
<p>Objective 13 The s42A report recommendations acknowledges s5(2), and is therefore an improvement.</p> <p>Federated Farmers continues to stress how important it is to include urban land use activities in the plan. The proposed Plan currently is rural-centric.</p>	<p>Rewrite Objective 13 to read:</p> <p>(a) <u>In rural areas, farming activities and other land uses maintain or improve the quality and structure of soils; and maintain or enhance freshwater bodies and biodiversity.</u></p>

Plan provision	Submissions/reasons	Decision Sought
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Objective 13 cannot be achieved in urban areas, as urban development cannot retain the quality and structure of soil resources. The effects of land uses on historic heritage and amenity values are functions of district councils under the Act and should not be included in Objective 13. The purpose of a regional plan is to assist the regional council to carry out its functions to achieve the purpose of the RMA.

(b) In urban areas:

- (i) Sewage is treated before being discharged into water;
- (ii) Natural wetlands are protected from drainage and filling; and
- (iii) Biodiversity is maintained or enhanced.

Objective 16

Objective 16 reflects the duty in section 6(d) of the RMA to provide public access to and along water bodies and the coast, but access is achieved through the functions of district councils not the regional council.

We seek the Committee delete reference to Objective 16 as the purpose of a regional plan is to assist the regional council to carry out its functions to achieve the purpose of the RMA.

Objective 17

Objective 17 lists what is considered natural character values and outstanding natural features. This will vary between waterbodies and not all natural habitats will form part of natural character, e.g. the natural habitats of pests.

Federated Farmers continues to prefer the phrasing of our submission rather than that of the s42A report. Delete 17 and replace with:

The natural character and any outstanding natural features of rivers and lakes are protected from inappropriate use or development.

Objective 18

The concept of using good management practices as a tool in Objective 18 is supported in principle, but the objective reads as a policy. The scope of the objective could be expanded to recognise the initiatives and efforts of people who undertake their activities in ways which maintain or enhance the life-supporting capacity of soil, freshwater and ecosystems.

Rewrite objective 18 to read:

The efforts and actions of people to manage effects of farming or other activities on soil structure, freshwater or biodiversity are recognised and supported as being integral to sustainable land and freshwater management.

	Submissions/reasons	Decision Sought
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Plan provision

New Objective

Federated Farmers considers it is necessary to recognise that to have an effective process within each catchment the community needs to be engaged and as such an additional objective is required.

Insert the following objective:

Landowners, water users and communities are involved in the planning and management of the region's freshwater water resources in a collaborative way that recognises the stewardship role they play in freshwater management.

Plan provision	Submissions/reasons	Decision Sought
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Policy 1 – Enable papatipu rūnanga to participate

Ngāi Tahu “interests” could include commercial interests which could cause a conflict of interest in the management and decision-making on freshwater and freshwater ecosystems.

Amend Policy 1(3) as follows:

3. reflect Ngāi Tahu values ~~and interests~~ in the management of and decision-making on freshwater and freshwater ecosystems in Southland/Murihiku, consistent with the Charter of Understanding.

Policy 2 – Take into account iwi management plans

Policy 2 is incorrect. The duty under the Act requires the Council to take into account any relevant planning document recognised by an iwi authority when preparing a regional plan (s66 (2A)).

Delete Policy 2.

It is not appropriate to assess water quality and quantity based on Ngai Tahu indicators of health which are not specified in the Plan and not publically consulted on.

Plan provision	Submissions/reasons	Decision Sought
Physiographic Zone Policies Policies 4 -12	<p>Please see our comments on the physiographic science in the submission. These policies direct and control activities rather than manage effects. There is no relationship to managing the discharge of contaminants.</p> <p>We oppose the use of the physiographic science to constrain land use in the lead-up to limit-setting. ES does not know whether the region is over-allocated in terms of nutrients, therefore it is premature to take such a step. The community needs the information from the economics and science projects before considering whether to impose a risk-based framework, rather than seeking to address actual water quality issues.</p> <p>In the interim, ES needs to focus on good management practices that have been proven to reduce nutrient losses. They are simple to implement, monitor, and cost-effective for both Council and landowners.</p>	<p>Delete Policies 4-12.</p> <p>We note the new policy POL12. Federated Farmers does not believe this addresses the issue as any new consent application will still have to work through a consent assessment process rather than a FEMP and GMP. Any non-complying consent will still be required to step through the s104D gateway test and also the notion of plan integrity or perceived precedent under s104(1)(c).</p>
Policy 13 – Management of land use activities and discharges	<p>Managing land use to “protect” water quality is an unrealistically high threshold. It is inevitable that land use (urban and rural) creates discharges that can affect water quality, even when activities are “managed”. This Policy foreshadows and encourages rules that would prohibit the use of land and water, and the discharge of contaminants which is unworkable.</p>	<p>That the Plan recognises that water and land must be used to provide for the economic and social wellbeing of the community with a realistic policy.</p> <p>Amend Policy 13 as follows:</p> <p><i><u>Manage</u>Enable land use activities and discharges (point source and non-point source) to land and water to enable the community to provide for its economic, social, and cultural wellbeing, while maintaining or improving water quality. so that water quality and the health of humans, domestic animals and aquatic life, is protected.</i></p>

Plan provision	Submissions/reasons	Decision Sought
Policy 15 – Maintaining and improving water quality	<p>Please see our comments on Appendix E. The standards in Appendix E have not been updated and are not consistent with the National Objectives Framework.</p> <p>We oppose the use of “avoid”; as a result of the King Salmon case, ‘avoid’ essentially means an activity is prohibited. It is too restrictive and could have a significant adverse effect on land use. The RMA enables the sustainable use of our natural resources, not all effects need to be avoided.</p>	<p>The phrasing adopted in the s42A report is an improvement and addresses our concerns.</p>
New Policies	<p>The benefits of using water and land, and the discharge of contaminants, needs to be recognised in the Plan. Currently, all of the Policies aim to restrict, constrain, or limit land use which makes the sole focus of the Plan environmental.</p> <p>The Policies as currently drafted do not reflect the intent of the RMA.</p>	<p>Insert new Policies as follows:</p> <p><u><i>Recognise the importance of water and land use to the economic and social wellbeing of Southland.</i></u></p> <p><u><i>Allow discharges of contaminants to enable the community to provide for its economic and social wellbeing.</i></u></p> <p><u><i>Recognise the importance of forage crops during winter to maintain animal health and farm systems, and support winter grazing practices which minimise the potential for pugging, sediment run-off and associated effects on soil structure and freshwater quality.</i></u></p> <p><u><i>Recognise the importance of land drainage for improving soil structure, plant growth and nutrient uptake, and encourage a holistic approach to land drainage and contaminant management as part of farm environment plans.</i></u></p>

Plan provision	Submissions/reasons	Decision Sought
Policy 18 – Stock exclusion from waterbodies	<p>This Policy is activity-based, not effects-based, and reads like a rule. It incorrectly assumes that all stock access affects bank erosion and water quality. It disregards the cost and practicality of excluding livestock from hill and high country streams when in the case of extensively grazed cattle, there will be little or no impact on freshwater quality or bank erosion. It disregards the role that livestock grazing plays in pest and flood management in riparian areas, and the issues that have arisen in some areas where livestock have been excluded from riparian margins.</p> <p>In the hill and high country it is impractical and sometimes impossible to exclude stock from waterways. Similarly, not all farms will be able to install reticulation systems for stock drinking water.</p> <p>In high country areas prone to flooding, installation of fencing would be a waste of time and money as floods destroy or wash away fencing.</p> <p>In addition, fences need to be connected in order to control stock. Several properties have areas alongside waterways that are flat and then have rises and gullies over 16 degrees. The practical implementation of the Rule would mean that there are fences leading to nowhere on the flat, and gaps in mountainous areas.</p> <p>The cost of this Policy is not adequately addressed in the section 32 report. Some farmers estimate that the cost of fencing and a new water system for their extensive farms would be upwards of \$1 million. Several farmers have suggested that the only viable option for them would be to cull their cattle.</p> <p>The policy needs to target and recognise the circumstance under which riparian management or planting is beneficial and when it may have no effects or adverse effects. In</p>	<p>Federated Farmers requests the Committee consider the alternative phrasing for Policy 18 as set out in our submission.</p> <p><i>Reduce sedimentation and microbial contamination of waterbodies and improve river and riparian ecosystems and habitats by:</i></p> <ol style="list-style-type: none"> <i>1. requiring progressive exclusion of all stock, except sheep, from all waterbodies, including artificial watercourses, where the effects of access are more than minor on land with a slope of less than 16° by 2025, and the management of sheep in critical source areas;</i> <i>2. requiring the adoption of management plans <u>good management practices</u> that set out methods and timeframes to achieve these outcomes;</i> <i>3. encouraging the establishment and enhancement of healthy vegetative cover in riparian areas <u>where there is significant risk of sedimentation and overland flow containing contaminants, particularly through use of indigenous vegetation, without compromising the effective management of pests, flooding, and bank erosion;</u></i> <i>4. ensuring that when stock access waterbodies, including artificial watercourses, this is managed in a manner that avoids significant adverse effects on water quality, bed and bank integrity and stability, mahinga kai, and aquatic, river and riparian ecosystems and habitats.</i>

Plan provision	Submissions/reasons	Decision Sought
Policy 20 – Management of water resources	<p>extensive farming situations, riparian planting may have little or no impact on water quality, but impose significant establishment and maintenance costs.</p> <p>We oppose the reference to the “beliefs” of tangata whenua. It is unclear what “beliefs” may include and these are likely to be variable and subjective. It is inappropriate to include such a reference in a regional plan.</p> <p>The positive effects resulting from the use and development of water resources need to be recognised and provided for.</p>	<p>Amend Policy 20(1)(e) as follows:</p> <p><i>the spiritual and cultural values and beliefs of tangata whenua;</i></p> <p>Amend Policy 20(4) as follows:</p> <p><u><i>provide for recognise the positive effects resulting from the use and development of water resources, and recognise the positive effects resulting from such use.</i></u></p>
Policy 21 – Allocation of water	<p>Policy 21 is not necessary nor is the description of ‘over-allocation’ correct. A definition of ‘over-allocation’ is set out in the NPS-FM and differs from this policy. The plan must give effect to the NPS-FM.</p>	<p>Delete Policy 21.</p>
Policy 25 – Priority takes	<p>The Plan needs to give priority to water abstraction for certain purposes regardless of whether there is a water shortage.</p>	<p>Amend Policy 25 as follows and reorder so that it immediately follows Policy B7.</p> <p><i>When issuing a water shortage direction, Environment Southland will give priority to water abstraction for the following uses:</i></p> <ol style="list-style-type: none"> <i>1. reasonable domestic needs;</i> <i>2. reasonable animal drinking needs;</i> <i>3. fire-fighting purposes;</i> <i>4. public health needs; or <u>and</u></i> <i>6. animal welfare needs.</i>

Plan provision	Submissions/reasons	Decision Sought
<p>Policy 33 – Adverse effects on wetlands</p>	<p>The definition of ‘wetland’ is too broad and includes intermittently wet paddocks.</p> <p>The absolute terms expressed in Policy 33 ‘to prevent any reduction in the area, function and quality of wetlands’ assumes all wetlands are naturally occurring wetlands of significant ecological value; and that no benefit can come from any change or alteration to any wetland.</p> <p>The ramifications of this Policy for normal farming activities are significant; it could severely impact on all farms that are not well-drained.</p> <p>We do not consider that Council wishes to force the retirement of periodically wet areas of paddocks, but as currently worded the Policy could have that impact.</p> <p>The Policy does not achieve the purpose of the RMA, reflect the duty in s6(a), nor is it practical in a Region with a climate such as Southland’s.</p> <p>‘Prevention’ should only be used in associated with significant indigenous vegetation.</p>	<p>Federated Farmers seeks the Committee amend Policy 33 as follows:</p> <p><i>Prevent the reduction in area, function and quality of <u>significant natural wetlands</u>, including through drainage and vegetation removal.</i></p> <p>Delete the definition of “wetland” from the Plan, and only refer “significant natural wetlands” or “natural wetlands”, which specifically exclude wet pasture.</p>
<p>Policy 37 – Climate change</p>	<p>It will not always be possible to avoid or mitigate adverse effects on the environment arising from climate change.</p>	<p>Amend Policy as follows:</p> <p><i>Avoid or mitigate Manage adverse effects on the environment arising from climate change by recognising and providing for the development and protection of the built environment and infrastructure in a manner that takes into account the potential effects of rising sea levels and the potential for more variable and extreme weather patterns in coming decades.</i></p>

Plan provision	Submissions/reasons	Decision Sought
Policy 39 – Application of permitted baseline	<p>This policy is inequitable and prejudicial against farming as it only applies to farming activities, not all land use activities.</p> <p>It conflicts with the purpose of RMA planning documents by enabling Council reconsider whether activities should be permitted for each individual resource consent application. It therefore severely and unfairly disadvantages resource consent applicants, as opposed to those acting under the permitted activity framework set out in the Plan.</p>	Delete this policy or make it equitable to all consent applications.
Policy 40 – Determining the term of resource consents	<p>Resource consents, especially those for new dairy farming, farming are time-consuming, resource intensive, and expensive. It is inappropriate, unfair, and an inefficient use of resources to grant a shorter timeframe for consents in the lead up to limit-setting. Federated Farmers is mindful of the recent consent decision by Environment Southland to the City of a 15 year term for discharge of stormwater frequently contaminated by untreated human wastewater directly to water. This is inequitable. A compliant farming operation with a good compliance history should be rewarded with a greater term of consent than that awarded to the City.</p> <p>Ngāi Tahu indicators of health should not inform the length of resource consents because they are unknown and have not been publically consulted on, which is not transparent.</p> <p>The timing of the FMU process should not affect the length of resource consents; resource consents should be considered in light of the information available at that time, not based on what might happen in future.</p>	<p>The duration of a consent should be applied equally against all applicants. This policy unfairly targets farmers, and in particular dairy farmers.</p> <p>Those consent holders who have a good compliance history should be given longer term consents irrespective of the activity.</p>

Plan provision	Submissions/reasons	Decision Sought
Policy 45 – Priority of FMU policies and rules	<p>It is appropriate that FMU specific provisions should prevail over region-wide provisions. The Policy needs to provide for catchment-specific values, objectives, standards, and rules.</p> <p>The Note is simply unnecessary.</p>	<p>Federated Farmers encourages the Committee to consider the amended Policy as follows:</p> <p>In response to Ngāi Tahu and community aspirations and local water quality and quantity issues, FMU sections may include <u>additional catchment-specific values, objectives, and policies, rules, and standards</u>. These FMU <u>objectives and policies provisions</u> will be read and considered together with the region-wide <u>objectives and policies provisions</u>. Any <u>objective, policy, rule, or standard</u> on the same subject matter in the relevant FMU section of this Plan prevails over the relevant <u>policy provisions</u> within the <u>Regional PoliciesWide Section</u>, 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>
New Policy	<p>There does not appear to be any policies to manage effects of urban land uses on water quality or loss of biodiversity.</p> <p>Urban development has a significant impact on freshwater quality and biodiversity through sewage and stormwater disposal, and the clearance, drainage and filling of land and wetlands.</p>	<p>Add a new Policy to manage the impact of urban land use on the environment.</p>
New Policy	<p>Federated Farmers supports a collaborative approach to managing freshwater in the region, this will be particularly important during the limit-setting process.</p>	<p><u>Policy X</u></p> <p><u>Environment Southland will work to drive engagement and collaboration with landowners, iwi, and communities through the planning and management of freshwater.</u></p>

Plan provision	Submissions/reasons	Decision Sought
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New Policy	All of the Policies relating to non-regulatory methods from the operative Plan have been removed from the draft Plan. It is important that non-regulatory methods are utilised alongside of regulatory methods to maintain and improve water quality.	<p><u>Policy X</u></p> <p><u>Environment Southland in collaboration with landowners, iwi, and communities develop a package of effective non-regulatory methods aimed at improving water quality. These could include:</u></p> <ul style="list-style-type: none"> • <u>Provision of information about water quality and quantity issues in each catchment;</u> • <u>Demonstration projects and case studies;</u> • <u>Provision of advice and information at a farm/property or activity scale, where applicable in conjunction with industry organisations, on improving water quality;</u> • <u>Financial assistance programmes for environmental infrastructure such as riparian retirement, wetland protection and development and restoration of priority waterways.</u> •
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Plan provision	Submissions/reasons	Decision Sought
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Rules 5-8 Discharge rules	<p>Rules 5-8 need clarification that they only apply to point-source discharges, as indicated by the reference to 'reasonable mixing zones' and 'discharge points'.</p> <p>Non-point source discharges (rural discharges) are covered by the farming-related rules and the discharge rules around agrichemicals, fertilisers, and tile drains. Again, there are no rules relating to urban discharges and the s42A author considers there is no need. Federated Farmers disagree.</p>	<p>Amend Rules 5-8 so that it is clear they apply only to point-source discharges.</p> <p>Insert rules relating to urban discharges.</p>
Rule 14 – Discharge of fertiliser	It is important that normal farming activities remain permitted.	Federated Farmers considers the s42A report is an improvement. It is our view the following is more helpful to the Committee.

Plan provision	Submissions/reasons	Decision Sought
<p>Rule 20 - Farming</p>	<p>We oppose the restrictions regarding fertiliser use beside waterways, and consider that a 10 metre set-back is unnecessarily restrictive.</p> <p>The references to a setback from sites of indigenous biodiversity generally should be deleted. This plan is dealing with effects of the discharge of contaminants on water quality. In addition, a non-complying activity status for not meeting the permitted activity conditions is too restrictive and does not align with the discharge of agrichemicals rule, which have similar risks associated with discharge to land.</p> <p>We prefer the operative rule as it is effects-based and addresses a wider range of potential adverse environmental impacts. For example, a paddock may not be at 'full moisture capacity', but applying fertiliser when heavy rain is forecast may result in significant overland flow and fertiliser ending up in waterways.</p> <p>Federated Farmers oppose the use of physiographics to underpin the land use rules. Physiographics is a nutrient pathway risk model. It is not suitable, nor designed to inform rules in a Plan. The lead author of the physiographic science does not support the use of physiographics for informing rules of the Plan.</p> <p>Federated Farmers supports an effects-based approach. The physiographics provides a risk based approach to managing water quality, and the zones do not necessarily relate to areas where there are water quality issues.</p> <p>We consider there is insufficient science and economic information to impose significant constraints in the lead-up to limit-setting. The limit-setting process is the appropriate time to determine community values and objectives, work out whether</p>	<p><u>(a) The discharge of fertiliser in circumstances where contaminants may enter water is a permitted activity provided the following conditions are met:</u></p> <p><u>(i) there is no direct discharge of fertiliser into a surface water body, water in an artificial watercourse or into groundwater;</u></p> <p><u>(ii) all practicable measures are taken to minimise fertiliser drift beyond the target area and run-off of nutrients to surface water;</u></p> <p><u>(iii) the fertiliser is applied at a rate and volume that minimises leaching of nutrients to groundwater.</u></p> <p><u>(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 discretionary activity.</u></p> <p>We respectfully seek that physiographics be removed from the plan as a regulatory tool.</p>

Plan provision	Submissions/reasons	Decision Sought
	<p>catchments are over or under-allocated, and determine what limits are appropriate environmentally and economically.</p> <p>To impose significant restrictions on land use prior to the limit-setting process, will undermine the community catchment process.</p> <p>The physiographic science can usefully inform good management practices that have been proven to reduce nutrient losses and voluntary mitigation options. This will achieve real reductions in nutrient losses, without the need to impose restrictions that will have significant impacts on land values, the flexibility to farm, and innovation.</p> <p>We strongly recommend that the physiographic science is taken out of the Plan, and in the lead-up to limit-setting is used in a non-regulatory manner. This will enable the science to be socialised with the public, understood and trusted by farmers, and in a good position to inform limit-setting.</p> <p>We support the permitted activity status for farms less than 20 hectares. Smaller properties tend to have low inputs and outputs, and are not significant dischargers of nutrients.</p> <p>We support the use of Management Plans to implement good management practices on-farm. We do not consider that Management Plans should include Nutrient Budgets (see our comments on Appendix N).</p>	
<p>Rule 21 – Existing dairy</p>	<p>We support the use of Management Plans to implement good management practices on-farm. We do not consider that Management Plans should include Nutrient Budgets (see our</p>	<p>Add a definition of 'dairy farming' to the Proposed Plan that restricts dairy farming to the grazing of land for the purpose of</p>

Plan provision	Submissions/reasons	Decision Sought
farming of cows	<p>comments on Appendix N). Dairy farms are already required to have nutrient budgets and ES reviews these as part of the resource consent framework.</p> <p>There is no definition of dairy farming in the Proposed Plan. We are concerned that activities incidental to dairy farming could be included in the Rules (for example, young stock, winter grazing).</p>	<p>producing milk by lactating animals rather than capturing dairy support activity.</p>
Rule 22 – New or expanded dairy farming of cows	<p>It is important that the Rule focuses on an increase in cow numbers, rather than an increase in the area of land for dairy farming. Increasing the land area for dairy farming is equivalent to reducing stock units per hectare, which should not be prohibited by the Rule.</p> <p>Resource consents for dairy farming activities continue to get more complex and expensive, for applicants and ES. Given ES's experience with assessing dairying consents and the limited number of consultants preparing the applications, we consider that new or expanded dairy farming should be a restricted discretionary activity. This would clarify the information needs of ES, make the process more efficient and cost-effective, and reduce the ability of other interested parties to include random conditions that are not supported by science. We are concerned that other interested parties are effectively driving ES's policy on dairying without a public consultation process and the need to produce robust science. It is particularly unfair and expensive for landowners interested in investing in dairying. It is also against the intent of the RMA for a few parties to effectively hold resource consent applicants to ransom.</p>	

Plan provision	Submissions/reasons	Decision Sought
Rule 23 – Intensive winter grazing	<p>We do not support the use of physiographic zones to make new dairy farming non-complying in some areas. We consider it is premature to take such a step before allocation levels are known and prior to the economic and science projects being completed. We support the restricted discretionary activity status for the proposed Southland Dairy Hub.</p> <p>We oppose restrictions being placed on intensive winter grazing.</p> <p>Wintering per se is not the issue; but the potential effects of sediment, P, N or E.coli losses that may occur depending on where and how wintering is undertaken. Balanced against that must be the need to consider the vital role which winter grazing plays in ensuring optimal animal health. Blanket controls over the area of a farm that can be in winter grazing have the potential to create significant animal health issues and affect production, especially the growing out of young stock and the mortality rate for calving and lambing. Such effects are not justified where wintering does not have significant effects on water quality and where it does, these effects must be very carefully considered against the purpose of the Act.</p> <p>We consider implementing good management practices on-farm to specifically address nutrient, sediment and bacteria losses has the potential, not only to maintain water quality, but to actually improve water quality in the lead-up to limit-setting.</p> <p>The proposed set-backs from lakes and the coastal marine environment are extreme and unnecessary. Given 'lakes' can include waterbodies such as duck ponds the implications would be significant and there is no rationale for such a setback; it far</p>	<p>Federated Farmers suggests the following amendment after consider the s42A report.</p> <p>(a) <i>Until 30 May 2018, the use of land for intensive winter grazing is a permitted activity.</i></p> <p>(b) <i>From 30 May 2018, the use of land for intensive winter grazing is a permitted activity, provided the following conditions are met:</i></p> <p>(i) <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;</i></p> <p>(ii) <i>no intensive winter grazing is undertaken in the Alpine physiographic zone above 800m;</i></p> <p>(iii) <i>not more than 20 hectares of intensive winter grazing is undertaken on a landholding within the Old Mataura, or Peat Wetlands physiographic zones; intensive winter grazing is undertaken in accordance with good management practices, including:</i></p> <p><i>(1) stock are fed progressively towards waterways;</i></p>

Plan provision	Submissions/reasons	Decision Sought
	<p>exceeds any required set-back to minimise loss of contaminants. We recommend that the rule is linked to Appendix Q to provide clarity regarding which waterbodies require an additional set-back, over and above the ones listed in the rule.</p> <p>We question the need for any set-back from the coast, given the NPS-FM and the Plan deals with freshwater. There are already considerable buffers from the sea as a result of dunes and vegetation. We consider coastal farmers should be able to utilise all of their land for intensive winter grazing. The impacts of contaminant loss into the sea are less than minor.</p>	<p>(2) slopes are grazed from top to bottom;</p> <p>(3) stock are back-fenced; and</p> <p>(2) critical source areas are fenced off and fed last.</p> <p>(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;</p> <p>(v) the area of land used for intensive winter grazing is recorded for each year and provided to Environment Southland on request;</p> <p>(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;</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 slope of less than 4⁸ 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 on slopes above 8 degrees set-backs will be worked out as follows (slope minus 5m), i.e. if the slope is 15 degrees, the set-back will be 10m.</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 20m of the outer edge of the bed of any a lake specified in Appendix Q 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>

Plan provision **Submissions/reasons**

Decision Sought

~~(c) From 30 May 2018, the use of more than 20 hectares of a landholding for intensive winter grazing in the Old Mataura, 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:~~

~~(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;~~

~~(ii) conditions (v) to (ix) of Rule 23(b) are met; and~~

~~(iii) a Management Plan has been prepared in accordance with Appendix N;~~

(c) intensive winter grazing that does not comply with the rules in 23(a) and (b) is a restricted discretionary activity.

Environment Southland will restrict the exercise of its discretion to the following matters:

1. the quality of, compliance with and auditing of the Management Plan;
2. the proposed management practices to minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;
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;
4. the potential benefits of the activity to the applicant, the community and the environment;
5. the potential effects of the land use on surface and groundwater quality and sources of drinking-water.

Plan provision Submissions/reasons

Decision Sought

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.

~~(d) From 30 May 2018, the use of land for intensive winter grazing in the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, FCentral 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.~~

~~(e) From 30 May 2018, the use of land for intensive winter grazing in the Old Maitaura or Peat Wetlands physiographic zones that does not meet conditions (i) to (iii) of Rule 23(c) is a non-complying activity.~~

(f) From 30 May 2018 and despite any other rule, the use of land for intensive winter grazing within the Alpine physiographic zone above 800m is a prohibited activity.

(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:

(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;

(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;

Plan provision	Submissions/reasons	Decision Sought
Rule 25 – Cultivation on sloping ground	<p>Federated Farmers supports set-backs from waterways for cultivation to reduce sedimentation and loss of top-soil, but disagree with the extent of those proposed. There is a significant amount of land that would not be able to be worked for crops, even those crops that are fast growing and would not be used for intensive winter grazing.</p> <p>Overall, we question whether sediment would travel such distances over well-established pastures.</p> <p>The masl limit for cultivation should be aligned with the masl limits for intensive winter grazing and dairying for clarity.</p>	<p><i>(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.</i></p> <p><i>Environment Southland will restrict the exercise of its discretion to the following matters:</i></p> <ol style="list-style-type: none"> <i>1. the quality of and compliance with and auditing of the Management Plan;</i> <i>2. the proposed research to be undertaken and associated environmental effects, including methods and timing of publication.</i> <i>3. monitoring and reporting</i> <i>4. the proposed management practices to minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;</i> <i>5. the potential benefits of the activity to the community and the environment.</i> <p>The s42A report writer has adopted the submission by Fish & Game Council. This position makes cultivation on slopes even more challenging. Federated Farmers seeks rule 25 to read as follows:</p> <p><i>(a) The use of land for cultivation is a permitted activity provided the following conditions are met:</i></p> <p><i>(i) cultivation does not take place within the bed of a lake, river, natural wetland, modified watercourse or artificial watercourse and within a distance of:</i></p> <p><i>(1) 3 metres from the outer edge of the bed on land with a slope of less than 48 degrees (flat); and</i></p>

Plan provision	Submissions/reasons	Decision Sought
	<p>We have heard from numerous farmers that they regularly cultivate 20-25 degree slopes, with areas of land within a paddock over 25 degrees.</p>	<p>(2) 10 metres from the outer edge of the bed on land with a slope between 4 and 16 degrees (rolling) on slopes above 8 degrees set-backs will be worked out as follows (slope minus 5m), i.e. if the slope is 15 degrees, the set-back will be 10m; and</p> <p>(3) 20 metres from the outer edge of the bed on land with a slope of greater than 16 degrees (strongly rolling); and</p> <p>(ii) cultivation does not occur above 7800 metres above mean sea level,</p> <p>(iii) mechanical cultivation does not occur on land with a slope greater than 25 degrees (moderately steep). (where at least half of the area to be cultivated is under 25 degrees)</p> <p>(b) The use of land for cultivation, that does not meet the setback distances of Rule 25(a)(i), is a permitted activity provided the following conditions are met:</p> <p>(i) cultivation does not take place within the bed of a lake, river, natural wetland, modified watercourse or artificial watercourse and a distance of 31 metres from the outer edge of the bed; and</p> <p>(ii) cultivation does not take place more than once in any five year period; and</p> <p>(iii) cultivation is for the purpose of renewing or establishing pasture; and</p> <p>(iv) cultivation does not occur above 7800 metres above mean sea level.</p> <p>(c) The use of land for cultivation, which does not meet one or more of the conditions of Rule 25(a) or Rule 25(b) is a restricted discretionary activity.</p> <p>Environment Southland will restrict the exercise of its discretion to the following matters:</p> <ol style="list-style-type: none"> 1. the management of sediment and other contaminants from critical source areas;

Plan provision	Submissions/reasons	Decision Sought
<p>Rule 35 – Discharge of agricultural effluent to land</p>	<p>While the suggested phrasing in the s42A is an improvement, the 28 day minimum return period for discharging agricultural effluent onto the site is unnecessarily restrictive and in some situations would be impractical (for example, farms using a 'little and often' policy to apply very low application depths to high-risk soils).</p> <p>The existing farm dairy effluent framework was developed on basis of a robust science, risk and environmental effects assessment. It remains appropriate. No new science has been tabled which would substantiate the need to deviate from the current framework.</p> <p>The timing is not the key determinant for the safe application of effluent.</p> <p>We oppose the limits placed on wintering pads. Wintering pads can be a positive wintering alternative to paddock wintering, and controls when the effluent is discharged, which can have positive environmental impacts. We consider this aspect of the rule is inappropriately activity-based rather than effect-based.</p> <p>35(a)(vii) - The maximum depth is a change from existing rule which states 'average depth'; this is an unnecessary restriction over and above the current rules.</p> <p>35(b)(iii) This provision needs amendment to future-proof it.</p> <p>35(b) 2. (matters of discretion) Separation distances do not need to apply for 'subsurface drains'. There is good science to</p>	<p>2. risks to biodiversity and water quality and mitigation measures for addressing those risks; and</p> <p>3. monitoring, inspection and audit requirements.</p> <p>(d) Despite any other rule, the use of land for cultivation in the Alpine physiographic zone <u>above 800m</u>, is a non-complying activity.</p> <p>Federated Farmers prefers the rule as follows:</p> <p>(a) <i>The discharge of agricultural effluent or water containing agricultural effluent onto or into land, in circumstances where contaminants may enter water, is a permitted activity, provided the following conditions are met:</i></p> <p>(i) <i>the discharge is from;</i></p> <p>(1) <i>a dairy shed servicing a maximum of 20 cows or 100 of any other animal; or</i></p> <p>(2) <i>piggeries with a maximum of 70 x 50 kg pig equivalents; or</i></p> <p>(3) <i>directly from feed lots and wintering pads that:</i></p> <p>(a) until 31 December 2017 service no more than 100 adult cattle or 250 adult deer; and;</p> <p>(b) from 1 January 2018 service no more than 100 adult cattle or 250 adult deer where the feed lot or wintering pad:</p> <p>(i) <i>is not less than 20 metres from the nearest sub-surface (tile) drain, surface waterbody or wetland; and or</i></p> <p>(ii) is the only feed lot or wintering pad on the landholding; or</p> <p>(c) <i>service no more than 10 adult cattle or 25 adult deer in any other circumstance; or</i></p> <p>(4) <i>stock underpasses; or</i></p> <p>(5) <i>holding tanks on stock trucks;</i></p>

Plan provision	Submissions/reasons	Decision Sought
	<p>support this and considering there will also be depth and soil moisture conditions in the consent conditions then this does not need to be there.</p> <p>35(b) 4. (matters of discretion) Even once the limit-setting process is underway, it doesn't mean that farmers discharge consent needs to change considering they will be at GMP if it is renewed between now and then.</p> <p>There are only six Chartered Professional Engineers in Southland. Restricting certification to CPEs will result in significant delays and increased costs for farmers, especially as CPEs may have full workloads away from dairy effluent systems. We consider that there are other suitably qualified people that could perform this role competently.</p>	<p><i>(ii) there is no discharge of agricultural effluent or water containing agricultural effluent to any surface watercourse, either directly or by overland flow, run-off, or via a pipe;</i></p> <p><i>(iii) there is no overland flow or ponding of effluent, or application to land when the soil moisture exceeds field capacity;</i></p> <p><i>(iv) the discharge is not within 20 metres of any surface waterbody, artificial watercourse, wetlands listed in Appendix A or the coastal marine area;</i></p> <p><i>(v) the discharge is not within 200 metres of any place of assembly or dwelling not on the same landholding, or 20 metres of the boundary of any other landholding;</i></p> <p><i>(vi) the discharge is not within 100 metres of any water abstraction point;</i></p> <p><i>(vii) provided the soil moisture does not exceed field capacity, the maximum average discharge depth of agricultural effluent or water containing agricultural effluent is 10 millimetres for each individual application;</i></p> <p><i>(viii) the maximum loading rate of nitrogen onto any land area does not exceed 150 kilograms of nitrogen per hectare per year from agricultural effluent or water containing agricultural effluent;</i></p> <p><i>(ix) the discharge system is operated and maintained so that there is no spray drift or offensive or objectionable odour beyond the landholding boundary; and</i></p> <p><i>(x) the minimum return period for discharging agricultural effluent or water containing agricultural effluent onto or into the site is 28 days; and</i></p> <p><i>(xi) 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; and</i></p>

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(xii) the location of any sub-surface drains within the discharge area, and their outlet position and relative depth, is mapped and provided to Environment Southland upon request.

(b) The discharge of agricultural effluent or water containing agricultural effluent onto or into land, in circumstances where contaminants may enter water, is a restricted discretionary activity, provided the following conditions are met:

(i) the discharge is the replacement of a lawfully established discharge pursuant to Sections 124-124C of the RMA,

(ii) the existing discharge consent for agricultural effluent specifies a maximum number of animals from which the effluent is collected, and that number is not increasing; and

(iii) any pond, tank or structure used to store agricultural effluent prior to discharge is certified by a ~~Chartered Professional Engineer~~ suitably qualified person as:

(1) being structurally sound at the time of inspection;

(2) meeting the relevant pond drop level outlined below, when tested in accordance with the methodology in Appendix P.

Maximum Depth of Pond (m) excluding freeboard	Maximum Allowable Pond Level Drop (mm per 24 hours)
<0.5	1.2
0.5 to 1.0	1.4
1.0 to 1.5	1.6
1.5 to 2.0	1.8
>2.0	2.0

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Environment Southland will restrict the exercise of its discretion to the following matters:

- 1. application depth and/or rate, storage requirements, nutrient loading (in particular nitrogen) and size of the disposal area, timing, and contingency plans;*
 - 2. the separation distance (beyond that required under conditions (i), (ii) and (iii) above) of the discharge from surface waterbodies, artificial watercourses, ~~subsurface drains~~, the coastal marine area, residential dwellings, places of assembly, urban areas, landholding boundaries, water abstraction points and registered drinking-water supplies;*
 - 3. other measures to avoid, remedy or mitigate adverse effects (including cumulative effects directly related to the discharge of farm dairy effluent) on water quality taking into account the nature and sensitivity of the receiving environment, ~~including the physiographic zone that the discharge is located in;~~*
 - 4. ~~the duration of the discharge permit to be issued, in order to implement the outcomes of any Freshwater Management Unit Process to be undertaken in accordance with Policy 1;~~*
 - 5. the adequacy of information provided to demonstrate that any pond, tank or structure used to store agricultural effluent prior to discharge does not leak; and*
 - 6. the structural integrity of any pond, tank or structure used to store agricultural effluent prior to it being discharged.*
- (c) The discharge of agricultural effluent or water containing agricultural effluent onto or into land, in circumstances where contaminants may enter water that did not exist as at 1 May 2016 or seeks to increase the number of stock provided for in ~~the Riverino, Gloyed, Bedrock/Hill Country, Oxidising, Central Plains, or Lignite-Marine Terraces physiographic zones that~~*

Plan provision	Submissions/reasons	Decision Sought
<p>Rule 38 – Animal and vegetative waste</p>	<p>While the s42A recommendations are an improvement, we consider the rule should apply to an average depth of material for practicality and ease of implementation.</p>	<p><i>does not meet one or more conditions of Rule 35(a) is a discretionary activity, provided the following conditions are met:</i></p> <p><i>(i) the discharge is not within 20 metres of any surface waterbody, artificial watercourse or the coastal marine area;</i></p> <p><i>(ii) the discharge is not within 200 metres of any place of assembly or dwelling not on the same landholding, or 20 metres of the boundary of any other landholding;</i></p> <p><i>(iii) the discharge is not within 100 metres of any water abstraction point.</i></p> <p><i>(d) The discharge of agricultural effluent or water containing agricultural effluent to land, in circumstances where contaminants may enter water, that does not comply with Rule 35(b) or Rule 35(c) is a non-complying activity.</i></p> <p><i>(e) Despite any other rule, the discharge of untreated agricultural effluent into surface or groundwater is a prohibited activity.</i></p> <p>Federated Farmers seek Rule 38(d)(v) be amended as follows:</p> <p>(v) <i>with <u>an average</u> depth of material of greater than 10 mm on the land surface.</i></p>
<p>Rule 40 - Silage</p>	<p>No discharge to groundwater implies that the surface must be sealed.</p> <p>We consider that silage storage facilities that do not meet the restricted discretionary activity status should be a discretionary activity.</p> <p>We do not consider that there are any circumstances that would warrant notification of a consent for silage storage.</p> <p>We question the need for two separate rules dealing with silage.</p>	<p>Combine Rule 40 and 41.</p> <p>Amend 40 (a)(iii) as follows:</p> <p><i>(iii) there is no discharge of contaminants from the silage storage facility to any surface or groundwater or naturally occurring wetland;</i></p>

Plan provision	Submissions/reasons	Decision Sought
<p>Rule 41 – Silage Leachate</p>	<p>The Rule should say ‘average depth of application’ for practicality and ease of implementation.</p>	<p>In 40(c) delete “non-complying” and replace with “discretionary”.</p> <p>Amend the note as follows:</p> <p><i>An application for resource consent under Rule 40(b) will be processed and considered without public or limited notification. unless the applicant requests notification Environment Southland considers that special circumstances exist that warrant notification of the application.</i></p>
<p>Rule 70 – Stock exclusion from waterbodies</p>	<p>We support the exclusion of sheep from the rule. The exclusion of sheep is not justified from a water quality, biodiversity, or bank erosion perspective.</p> <p>There are several disadvantages to fencing waterways, including making streams more difficult to clean, increased the risk of slumping, and pest infestation along riparian margins that are not grazed.</p> <p>We oppose hill and high country farmers from being subject to the requirements in this rule. As discussed above, in the hill and high country, the cost of fencing waterways and providing a</p>	<p>Combine Rule 40 and 41.</p> <p>Amend 41 (a)(iv)(2) as follows:</p> <p><i>(2) <u>average</u> depth of application in excess of 10 millimetres for each individual application;</i></p> <p>Refer to the rule promoted in the submission.</p>

Plan provision	Submissions/reasons	Decision Sought
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reticulated water system would be prohibitive, and in some areas impossible. We do not consider the exclusion of extensively grazed cattle is justified from a water quality, biodiversity, or bank erosion point of view. In addition, flooding can wash fences away meaning investment in flood-prone areas is a dead loss.

It is inappropriate for the Proposed Plan to have more extensive restrictions than the national Dairy Water Accord.

This rule deals with stock exclusion from waterbodies. In condition (a)(iv) the term 'adjacent riparian habitat' is too uncertain as a condition by which an activity is permitted. What constitutes 'riparian habitat' is open to interpretation.

We support that stock exclusion is not required on land with a slope of 16 degrees or more.

**Rule 79 –
High country
burning**

This is a new rule which has not been discussed with high country farmers, and there is no rationale or explanation for its inclusion.

Delete Rule 79.

Burning is already controlled through the Fire Service.

Rule 79(c) requires two forms of consent which is inefficient, costly, and unnecessary.