



SUBMISSION

1 August 2016

TO:
Environment Southland

ON:
The proposed Southland Water and Land Plan

BY:
Beef + Lamb New Zealand

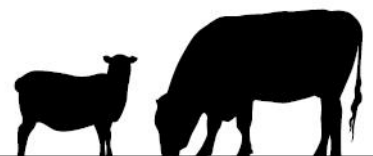
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Submission

A. Introduction

1. Beef + Lamb New Zealand Ltd (B+LNZ) thanks you for the opportunity to submit on the proposed Southland Water and Land Plan. Council staff have been a pleasure to work with, and have supported B+LNZ to engage in the policy development process.
2. B+LNZ cannot gain an advantage in trade competition through this submission.
3. B+LNZ wishes to be heard in support of this submission.
4. B+LNZ is an industry-good body funded under the Commodity Levies Act through a levy on all cattle and sheep slaughtered in New Zealand. Our mission is to deliver innovative tools and services to support informed decision making and continuous improvement in market access, product positioning, and farming systems.
5. B+LNZ is actively engaged in environmental issues that affect the pastoral production sector. We are committed to supporting farmers by providing tools and services that help farmers adopt sustainable business practice. In addition we are working to build leadership and environmental management capability of farmers within the sheep and beef sector.
6. The details of our submission are separated into two parts.
 - Part B – summarises the feedback provided to B+LNZ at our industry workshops, and makes high level recommendations; and
 - Part C – outlines specific submissions. We have underlined text that we submit is added into the Plan, and have ~~struck through text~~ we are seeking to remove.
7. Some of B+LNZ's proposed alternatives may require further collaboration. We welcome any opportunity to work with Environment Southland to discuss our recommendations.

B. Submissions applying to the whole plan

8. To develop this submission, B+LNZ has:
 - Convened five workshops with Southland farmers to discuss the key aspects of the proposed Plan;
 - Collated farmers' responses into a draft submission, and then asked a group of farming leaders to review and approve the content;
 - Met with Environment Southland staff to discuss how a B+LNZ Farm Environment Plan template might be presented;
 - Participated in discussions with other primary sector groups; and
 - Held a number of individual conversations with farmers and farmer groups.
9. B+LNZ recognises the challenge in finding the regulatory balance between:
 - Sending clear and enforceable signals to ensure farmers are managing effects to an acceptable level; and
 - Encouraging good management practice through regulation.
10. Good regulation should drive behaviour change, not prescribe what specific methods farmers use to manage the effects of their activities, nor attempt to regulate every aspect of good management practice.
11. Writing rules does not – of itself – result in good water quality, nor does the simple adoption of Farm Environment Plans. It is the resulting actions that deliver practice change.
12. In either situation we must focus on finding the most appropriate mechanisms to result in farmers:
 - identifying their environmental risk;
 - taking appropriate actions to minimise that risk; and
 - acting because it is the right thing to do, not because they need to tick a regulatory box.
13. Environment Southland must maintain its focus on water quality, and through every element of this Plan run the test “will this really help to achieve our water quality outcomes?” B+LNZ supports actions to manage water quality, but not actions that are unnecessarily prescriptive and/or will not result in the desired water standards.
14. Environment Southland must align all consent requirements, thresholds and timings with Farm Environment Plan development. This will ensure the focus is on outcomes and planning effectiveness that are relevant to each farm's set of unique circumstances.
15. At our workshops, farmer feedback centred around eight key issues:
 - Physiographic zones;
 - Pre-empting limit setting process;
 - Dairy conversion
 - Intensive winter grazing;
 - Stock exclusion;
 - Cultivation setbacks;
 - Tile drains; and
 - Farm Environment Plans.

Physiographic Zones

16. B+LNZ agrees with a risk based approach to managing environmental issues, i.e. targeting the highest risk factors first, and Environment Southland's physiographic zone method is a more sophisticated risk based approach compared with other councils.
17. However, there appears to be significant issues with the notified physiographic zones when they are examined at the farm scale. Throughout B+LNZ's consultation, sheep and beef farmers noted considerable concern with the physiographic zones and the majority of farmers advised us that sections of their property appeared to have been incorrectly classified within the notified physiographic zone maps.
18. B+LNZ cannot support the notified approach to physiographic zones as it delineates rules at a farm scale on maps that were created using coarser data. The Plan must allow for amendments and updates to the physiographic zones as new information becomes available. The overwhelming message from the sector was:

"If physiographic zones on my property are incorrectly classified, I should be able to have them changed without bearing the cost myself."

19. B+LNZ would support using physiographic zones, if the zones could be fairly revised and amended, with minimal cost to landowners and without requiring a plan change.

Decision sought

- **Remove physiographic zone maps from the Plan to enable amendments without a Plan Change being required.**
- **Continue to use physiographic information to inform discussions on catchment limits, farm plans and/ or resource consents.**
- **Amend thresholds and timelines to support the adoption of Farm Environment Plans without the requirement for resource consent.**
- **If physiographic zones remain in the plan, then make the rules consistent across physiographic zones, using the least restrictive specifications.**
- **Add a rule to the Southland Water and Land Plan that allows physiographic zones to be revised/ amended when incorrectly classified.**

Pre-Emptying Limit Setting Process

20. At each of our workshops, we discussed possible alternatives to the rules where farmers identified practical implementation issues with the Plan. During these discussions, the conversation repeatedly came back to "we can't answer that until we know what the limit will be."
21. B+LNZ understands that this Plan will set the framework that limit setting will be conducted within. However, some of the rules seem to assume what the end result will be before the limit setting process has occurred.
22. An example of this is the non-complying status of certain activities within the Old Maitara and Peat Wetlands physiographic zones. As an alternative, farmers recommend that 'non-complying' activities within these zones are changed to

'discretionary' activities. The status of any particular activity is more appropriately addressed as part of the future Freshwater Management Unit (FMU) limit setting work.

23. Restrictions are unlikely to be eased as part of the limit setting process. Environment Southland should not assume or pre-empt the end result without first going through a full NPS process with each catchment and its community.

Decision sought

- **Remove the physiographic zones and maps from the Plan – and use them to inform Farm Environment Plans and any required resource consents.**
- **Change the status of all non-complying activities to 'discretionary' within the Old Maitauro and Peat Wetland physiographic zones.**
- **Amend thresholds and timelines to support the adoption of Farm Environment Plans without the requirements for resource consent.**

Dairy Conversions

24. Dairy conversion has required resource consent since the introduction of Plan Change 13. The consent process has enabled discussions between Environment Southland and individual farmers considering land use change. However, farmers report that the process is becoming progressively complicated, as the consents panel dictates increasingly complex and expensive consent conditions.
25. The primary driver for the notified dairy conversion rule (Rule 22) appears to be managing risk of nitrogen (N) leaching within sensitive environments. At the moment there is no numerical guidance within the planning framework for applicants to know whether or not their consent would be granted.
26. Farmers suggested that introducing a temporary nitrogen loss threshold at this stage of the policy development process would be helpful. This suggestion was made as a way of helping farmers to understand what the possible upcoming N limits may look like in order to achieve desired water quality outcomes. This type of approach would help to inform business decisions around investment into dairy conversions.
27. However, to ensure that we are not pre-empting the limit setting process, this would have to be made clear in the plan that applying a threshold for a resource consent requirement is not setting a property based discharge limit. If adopted, any threshold should be removed as part of the upcoming limit setting process in each FMU.
28. It may be appropriate to introduce two Nitrogen discharge thresholds that delineate activity status for the consent application. For example:
 - an upper N discharge limit where Council would be making a decision to decline a consent; and
 - a further one to indicate where the test for a consent would be more difficult, or where consent was required.
29. The idea of introducing an N threshold is to provide some planning certainty for applicants, as well as providing an indication for existing land use activity (irrespective of what land use type) of where they sit on a level of acceptable N loss.

30. In introducing an N threshold approach, it would be important to make it very clear in the plan that just like other thresholds in the plan, it is not a limit, it is a threshold for where a consent is required or where the test becomes harder.

Decision sought

- **Introduce a nitrogen threshold to help guide business decisions surrounding dairy conversion.**
- **An N threshold approach for resource consent should not make presumptions about any future catchment based limits or any N discharge limits that might be associated with them.**

Intensive Winter Grazing

31. Sheep and beef farmers are concerned that the intensive winter grazing definition is too broad. Plant residue remains on the ground with some winter grazing plant species, posing lower risk of N loss. The definition of intensive winter grazing should reflect:
- the relative risk of different forage crops;
 - how the crops are managed and grazed; and
 - the relative risk that the crops pose to both overland flow (losses from critical source areas) and N loss through the soil profile.
32. Sheep and beef farmers reported that the intensive winter grazing threshold appears about right for smaller properties, but is inappropriate for larger properties. A percent threshold combined with an area threshold will provide the nuances required help identify and manage intensive winter grazing across the varied and complex sheep and beef farming systems.

Decision sought

- **Amend the definition of intensive grazing to reflect the relative risk of different forage crops species and management practices.**
- **Introduce a percentage threshold (10 percent of effective area).**
- **Maintain the 50 hectare threshold for smaller properties.**
- **Amend thresholds and timelines to support Farm Environment Planning without requiring a resource consent.**

Stock Exclusion

33. Sheep and beef farmers agree with Environment Southland's approach to excluding sheep from Rule 70.
34. Farmers liked the 16 degree slope threshold, but were concerned about the complexities of assessing slope at the paddock scale.
35. The notified rule will cause issues on large properties for potentially minimal environmental gain. There is generally a lower environmental risk associated with lower stocking rates on large properties. Further, the cost benefit of fencing in relation to the environmental benefit gained is different on large properties compared with small properties.

36. The notified rule will require some sheep and beef farmers to develop a Farm Environment Plan and to apply for a resource consent. This duplication is unnecessary and will cause frustration among farmers who have developed a robust Farm Environment Plan, only to then not meet an arbitrary resource consent threshold introduced in the Southland Water and Land Plan.
37. Sheep and beef farmers recommend that a Farm Environment Plan is an appropriate tool for stock exclusion and any resulting riparian management on extensive properties, and should replace the need for a resource consent in most cases. When a resource consent is required, a Farm Environment Plan should still be the key mechanism to identify appropriate actions to manage risk at a property scale.
38. Collectively the sheep and beef sector does not have the resources to implement the notified rule – the timeframes will need to be extended, and high risk areas targeted first rather than expecting everything to be done at once. B+LNZ recommends that Council recognises farmers who have identified priority areas through their Farm Environment Plans and are progressively working towards their stock exclusion targets, by allowing additional extensions.
39. These amendments will provide a pragmatic approach that will maximise environmental gains, while minimising administrative costs to farmers and council. This approach will also encourage farmer 'buy-in' into stock exclusion and riparian management.

Decision sought

- **Allow a more flexible approach to waterway management.**
- **Amend thresholds and timelines to support Farm Environment Plan adoption without requiring a resource consent.**
- **Allow farmers to prioritise where they will exclude stock (through their Farm Environment Plan) in preference to a blanket rule.**
- **Extend the date that stock exclusion should be completed by**
- **Recognise those actively implementing their Farm Environment Plan by allowing additional extensions if they are managing risk appropriately.**

Cultivation Setbacks

40. At our workshops, sheep and beef farmers told us that they support the concept that the risk of soil loss increases with slope. However, they advised that the notified buffer distances were too restrictive and will result in many farmers requiring resource consent to cultivate.
41. Further, some farmers were concerned that Council's resource consent processing times will run longer than the four week window that farmers have to complete their cultivation.
42. As an alternative to the notified rule, farmers proposed that Farm Environment Plans are used to manage cultivation on slopes up to 30 degrees. Farm Environment Plans are a more practical and proactive way of managing risk as farmers can plan where they will be cultivating and outline the good management practices they will take.

43. Farmers told B+LNZ that the following buffers are more workable on-ground:

- 3 metre buffer for slopes up to 10 degrees;
- 10 metre buffer for slopes 10 to 20 degrees;
- 15 metre buffer for slopes 20 to 30 degrees; and

Decision sought

- **Amend thresholds and timelines to support Farm Environment Plan adoption without requiring a resource consent.**
- **Amend cultivation buffer distances to:**
 - **3 metre buffer for slopes up to 10 degrees;**
 - **10 metre buffer for slopes 10 to 20 degrees;**
 - **15 metre buffer for slopes 20 to 30 degrees; and**
- **Use a resource consent to manage cultivation on slopes more than 30 degrees, where required.**

Tile Drains

44. We acknowledge Environment Southland's amended approach to tile drain mapping, as a result of the pre-Plan consultation. Thank you for listening and acting on the feedback provided. The requirement to map only new/ maintained drains is a reasonable approach and is supported by the sheep and beef sector.

45. However, the proposed Plan does still require mapping of all tile drains within intensive winter grazing areas. While managing the risk of contaminant loss through the tile drain network is important in wintering areas, sheep and beef farmers assert that older drains can be very difficult to find, even within winter grazing areas.

46. Ideally, within a Farm Environment Plan, farmers would identify risk areas including those that are associated with winter grazing on different parts of the farm. Amend this part of the Plan to require mapping of new/ recently maintained tile drains only.

Decision sought

- **Require mapping of only new/ recently maintained tile drains within intensive winter grazing areas.**
- **Amend thresholds and timelines to support Farm Environment Plan adoption, without requiring a resource consent.**

Farm Environment Plans

47. Throughout our submission we have used the terminology 'Farm Environment Plan' when referring to an Appendix N "farm management plan". A farm management plan would typically include other factors such as financial management and animal genetics, whereas a Farm Environment Plan covers the material outlined in Appendix N of the Plan. Further, the term 'Farm Environment Plan' is consistent with existing industry terminology.

48. It is important to remove any complication around Farm Environment Plans in farmers' minds. The key driver for the plans is identifying, undertaking and recording actions to manage environmental risk on farm. Environment Southland must keep this in mind in respect to how you engage farmers in that process. It is critically important that

farmers already engaged in Farm Environment Plans are not demotivated by regulation and requirements of the Plan. B+LNZ affirms that the focus must be on strong environmental outcomes and planning efficiency.

49. The proposed timeframes for all farmers to develop and implement Farm Environment Plans are unrealistic. Generally speaking farmers support a Farm Environment Plan approach to managing risk that is specific to their property. However, farmers need more time to develop their Farm Environment Plan and then implement the required actions.

50. Farmers affirm that they should not need a resource consent for matters that are addressed in their Farm Environment Plan. If a Farm Environment Plan is developed and associated actions implemented well, then a resource consent should not be required simply because they fail to meet a permitted activity threshold. The actions farmers have identified through their Farm Environment Plan would likely mirror conditions that might be imposed on them through a resource consent.

Decision sought

- **Use 'Farm Environment Plan' as nomenclature.**
- **Amend thresholds and timelines to support the adoption of Farm Environment Plans without the requirement for resource consent.**
- **Align all consent requirements, thresholds and timings with Farm Environment Plan development to ensure the focus is on outcomes and planning efficiency.**

C. Specific Submissions

Part A

Plan section	Relief sought and reasons for decision	Decision Sought
<p>Policy 18</p>	<p>B+LNZ supports in part - seek to amend</p> <p>B+LNZ queries why artificial water courses are included in this policy. Artificial water courses are built for a production purpose, not to add ecological value.</p> <p>Artificial water courses should be removed from Policy 18 and all subsequent rules.</p>	<ul style="list-style-type: none"> • Remove artificial water courses from Policy 18 • Amend policy 18 to read: <p>“... 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.”</p>
<p>Policy 45</p>	<p>B+LNZ seeks clarification</p> <p>Policy 45 states</p> <p><i>“As the FMU sections of this Plan are developed in a specific geographical area, FMU sections <u>will not make any changes to the region-wide objectives</u> or policies and will not deviate from the structure and methodology outlined in these Process Policies.</i></p> <p><i>Note: As the FMU sections are developed in a specific geographical area, it is unfair if changes are made to Region-wide objectives and policies, which apply in other parts of Southland, without the involvement of those wider communities.”</i></p> <p>This appears to contradict the introduction on page 7 of the Plan. The Introduction section states:</p> <p><i>“As the FMU limit setting process proceeds, the <u>region-wide objectives</u>, policies and rules in the Water and Land Plan <u>may be</u></i></p>	<ul style="list-style-type: none"> • Clarify whether the FMU limit setting process will cause changes to the Water and Land Plan. • Ensure that FMU policies and methods can be catchment specific and override region wide rules that may apply to that catchment.

Plan section	Relief sought and reasons for decision	Decision Sought
	<p><u>added to or replaced</u> by the objectives, policies and rules specific to each FMU.”</p> <p>B+LNZ questions the value of this exercise if the region wide rules and objectives will not be changed as part of the limit setting process.</p>	
Policy 47	<p>B+LNZ supports in part - seek to amend</p> <p>This section appears to adequately address the cultural and environmental aspects of FMUs. However, no particular regard has been given to the economic aspects.</p> <p>For FMUs to be truly sustainable, a triple bottom line approach must be considered. This reflects the intention of sustainable management outlines in section 5(2) of the <i>Resource Management Act 1991</i></p> <p>Add an extra element to this section that addresses water for economic uses.</p>	<ul style="list-style-type: none"> Amend Policy 47 to read: <p>“The FMU sections will:</p> <ol style="list-style-type: none"> establish freshwater objectives for each catchment, having particular regard to the national significance of Te Mana o te Wai, <u>irrigation and stock drinking water needs for production purposes</u>, and any other values developed in accordance with Policies CA1-CA4 and Policy D1 of the National Policy Statement for Freshwater Management 2014; ...”
Region wide rules	<p>B+LNZ wishes to add a new rule to this section of the Plan.</p> <p>Physiographic Zones</p> <p>While B+LNZ supports a risk based approach to environmental management, the notified physiographic zone is of concern. This is because the notified rules operate at the farm scale, but the overarching physiographic zones are not ground truthed to this level.</p> <p>Any mapping approach is likely to have errors at the farm scale, and already many farmers have reported inconsistencies between the notified physiographic zones and what is actually on their properties.</p> <p>Given that the physiographic zones are central to the Plan, Environment Southland must ensure they are accurate and can be continually improved as new information becomes available.</p> <p>B+LNZ recommends that the physiographic zone maps are removed from the Plan – see comments on the physiographic zone maps (page 39 of</p>	<ul style="list-style-type: none"> Either remove physiographic zone maps and associated specific rules from the plan. <p>If not, then:</p> <ul style="list-style-type: none"> Make all rules consistent across physiographic zones, using the least restrictive specifications. Create a new rule to outline a process for amending physiographic zones, to the effect of: <p><u>Rule 5 – investigating and amending physiographic zone(s)</u></p> <ul style="list-style-type: none"> <u>The landowner¹ requests an investigation into the physiographic zone(s) on their property, using a prescribed form.</u> <u>Council completes a desktop study of the property to see the likelihood of an incorrect classification.</u>

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	<p>this document).</p> <p>If this is not possible, all rules should be made consistent across physiographic zones. Further a new rule should be created to provide process for investigating and amending potentially incorrect physiographic zones. This will help Council to progressively move towards ground thruthed physiographic zone maps to help inform the limit setting conversation.</p> <p>Incorrect physiographic zones within the Plan is likely to result in:</p> <ul style="list-style-type: none"> • Incorrect environmental mitigations being prescribed through Farm Environment Plans; • Incorrect rule conditions being applied to land – i.e. stricter rules on lower risk physiographic zones; and • Angst within the community as they see something being forced upon them without an option to amend inconsistencies or share their views. 	<ul style="list-style-type: none"> • <u>Council reports the result of the desktop study with landowner, within 20 working days of receiving the request.</u> • <u>The Landowner may proceed with an on ground investigation. If an investigation is carried out, this must be completed by an independent third party, approved by the Council CEO.</u> • <u>If the third party finds the physiographic zone was correctly classified, then Environment Southland may recover costs by invoicing the landowner for the on-ground investigation.</u> • <u>If the consultant finds the physiographic zone was incorrectly classified by Environment Southland, then Environment Southland must pay for the investigation, and amend the physiographic zone maps.</u> <p>owner as defined in <i>Property Law Act 2007</i></p>
<p>Rule 13</p> <p>Discharge from Installed subsurface drainage systems</p>	<p>B+LNZ supports this rule</p> <p>Thank you for listening and acting on the feedback provided during the pre-drafting consultation. The notified rule is a good approach to managing risk and is supported by the sheep and beef sector.</p>	<ul style="list-style-type: none"> • Continue with Rule 13 as notified.
<p>Rule 20</p> <p>Farming</p>	<p>B+LNZ opposes this rule - seek to amend</p> <p>B+LNZ supports a risk based approach to ensure highest risk factors are addressed first. However, Environment Southland will not achieve the intended policy outcome with notified Rule 20.</p> <p>Rule 23 is a more appropriate mechanism to stage the introduction of Farm Environment Plans. See B+LNZ's comments for Rule 23 for more detail.</p>	<ul style="list-style-type: none"> • Remove staging across physiographic zones and make rule consistent across physiographic zones. • Amend thresholds and timelines to support Farm Environment Plan adoption, without the requirement for resource consent. • Increase deadlines for mandatory Farm Environment Plans to ensure landowners have adequate support to comply with the rules.

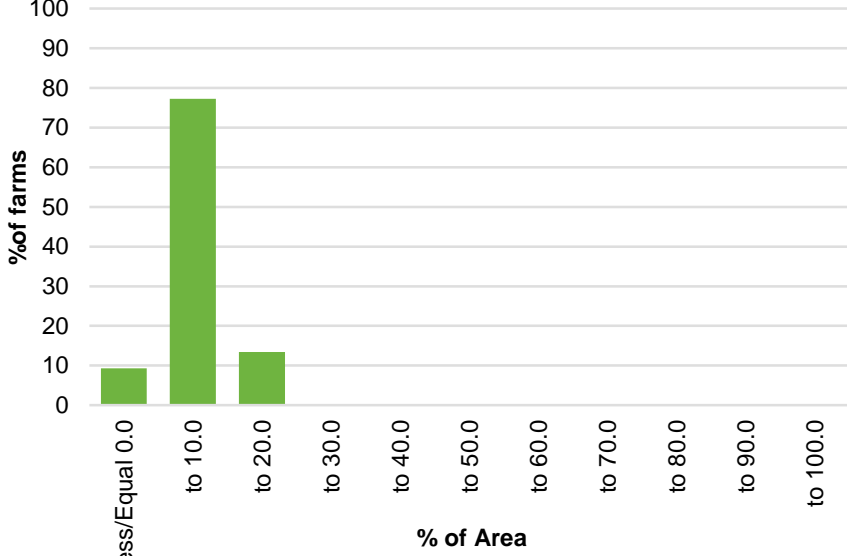
Plan section	Relief sought and reasons for decision	Decision Sought
	<p>Reasons why Rule 20 will not achieve the desired policy outcomes are:</p> <p>Farms span multiple physiographic zones</p> <ul style="list-style-type: none"> This rule requires farmers to develop Farm Management Plans. The compulsory start dates for these management plans change depending on the physiographic zone being farmed. Most farms will span more than one physiographic zone, meaning different parts of the farm will be subject to different start dates. In reality farmers will develop one plan, not multiple. This means farmers will have to comply with the earliest mandatory deadline – the staggered start dates become superfluous, and will cause confusion for land managers. Remove staging across physiographic zones. <p>Inconsistent approach throughout plan</p> <ul style="list-style-type: none"> Rule 22(e) also controls management actions by physiographic zone. However, this rule states: <p style="margin-left: 40px;"><i>“where land of less than 10 hectares in any one physiographic zone, the landholder may determine the physiographic zone for that area, or the prevalent physiographic zone for the landholding applies to the land.”</i></p> A consistent approach should be applied across the Plan. <p>Intensive winter grazing is the likely first trigger</p> <ul style="list-style-type: none"> Farmers with intensive winter grazing will be required to develop a Farm Environment Plan by 30 May 2018. We estimate that this will capture a significant number of sheep and beef farmers. This means that the majority of farms will be required to have a 	<ul style="list-style-type: none"> Stage Farm Environment Plan development using Rule 23 not Rule 20. Ensure that any Farm Environment Plan development in this rule is parallel with Rule 23. Amend Rule 20 to read: <ul style="list-style-type: none"> a) The use of land for a farming activity on a landholding that is less than 20 hectares is a permitted activity. b) Until 30 May 2018, the use of land for a farming activity in the Oxidising, Riverine or Peat Wetlands Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity. c) Until 30 May 2019, the use of land for a farming activity in the Central Plains, Bedrock/Hill Country or Gloyed Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity. d) Until 30 May 2020, the use of land for a farming activity in the Old Maitaia or Lignite-Marine Terraces Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity. e) (b) Despite any other rule, from 30 May 202518 the use of land for the farming of sheep, deer or beef on a landholding that is between 20 hectares and 100 hectares in area is a permitted activity, provided the following condition is met: <ul style="list-style-type: none"> (i) a Management Plan is prepared and implemented in accordance with Appendix N, but excluding part 4 (Nutrient Budget), which includes mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the

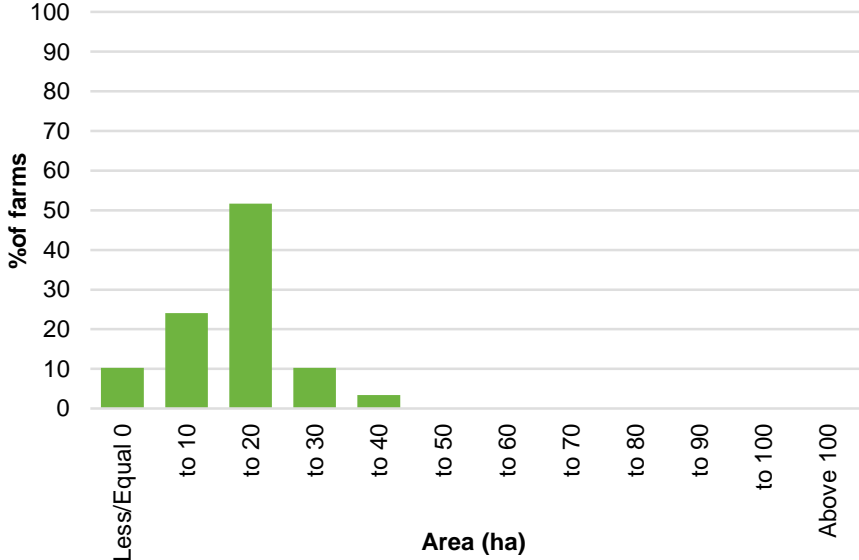
Plan section	Relief sought and reasons for decision	Decision Sought
	<p>management plan by 30 May 2018 through the winter grazing trigger and not through this rule, again making the staged requirements superfluous and simply adding confusion.</p> <ul style="list-style-type: none"> Introduce staging through rule 23, not rule 20. <p>Resources to deliver Farm Environment Plans</p> <ul style="list-style-type: none"> Last year, in response to regulation, B+LNZ held 23 Farm Environment Plan workshops in Canterbury. These workshops attracted about 300 participants (noting that 1 workshop participant does not necessarily equal one Farm Environment Plan - sometimes multiple people from the same farm may attend, or if there are spare spots, an industry body representative may attend as part of their professional development.) B+LNZ does not currently have the capacity to support Southland sheep and beef farmers over this timescale; and questions whether Environment Southland does either. Increase timeframes until farm environment planning becomes mandatory to ensure farmers can comply with the Southland Water and Land Plan. 	<p>farming activity and the property on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.</p> <p>f) From 30 May 2018, the use of land for a farming activity in the Oxidising, Riverine or Peat Wetlands Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity, provided the following condition is met:</p> <p>i) a Management Plan is prepared and implemented in accordance with Appendix N, including mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the property on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.</p> <p>g) From 30 May 2019, the use of land for a farming activity in the Central Plains, Bedrock/Hill Country or Gleyed Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity, provided the following condition is met:</p> <p>i) a Management Plan is prepared and implemented in accordance with Appendix N, including mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the property on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.</p> <p>h) (c) From 30 May 2020²⁵, the use of land for a farming activity on a landholding that is greater than 100 hectares, in the Old Mataura or Lignite-Marine Terraces Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity,</p>

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		<p>provided the following condition is met:</p> <p>i) a Management Plan is prepared and implemented in accordance with Appendix N, including mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the property on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.</p> <p>i) From 30 May 2018, the use of land for a farming activity in the Oxidising, Riverine or Peat Wetlands Physiographic Zones, other than dairy farming of cows or intensive winter grazing, that does not comply with the condition of Rule 20(e) or Rule 20(f) is a discretionary activity.</p> <p>jj) From 30 May 2019, the use of land for a farming activity in the Central Plains, Bedrock/Hill Country or Gleyed Physiographic Zones, other than dairy farming of cows or intensive winter grazing, that does not comply with the condition of Rule 20(g) is a discretionary activity.</p> <p>k) (d) From 30 May 2020 2025, the use of land for a farming activity in the Old Maitaura or Lignite-Marine Terraces Physiographic Zones, other than dairy farming of cows or intensive winter grazing, that does not comply with the conditions of Rule 20(a)(b)(c) is a discretionary activity.</p>
<p>Rule 22</p> <p>New or expanded dairy farming of cows</p>	<p>B+LNZ opposes this rule - seek to amend</p> <p>B+LNZ understands the purpose of this rule and why it is important to include these types of considerations. However, the specifics of this rule pre-empt the limit setting process.</p>	<ul style="list-style-type: none"> Amend the non-complying status of dairy conversion in the Old Maitaura and Peat Wetland physiographic zones to discretionary status – i.e. make rule consistent across physiographic zones. Amend rule 22 to read:

Plan section	Relief sought and reasons for decision	Decision Sought
		<p>(a) The use of land for dairy farming of cows that did not exist as at 30 May 2016 or does not comply with Rule 21(a) or 21(b) in the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains, or Lignite-Marine Terraces physiographic zones, is a discretionary activity, provided the following condition is met:</p> <p>(i) a Management Plan is prepared and implemented in accordance with Appendix N including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the landholding on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.</p> <p>(b) The use of land for dairy farming of cows that did not exist as at 30 May 2016 or does not comply with Rule 21(a) or 21(b) in the Old Maitaura, or Peat Wetlands physiographic zones is a non-complying activity.</p> <p>(c) The use of land for dairy farming of cows that does not comply with Rule 21(c) or Rule 22(a)(i) is a non-complying activity.</p> <p>(d) The use of land for dairy farming of cows in the Alpine physiographic zone is a prohibited activity.</p> <p>(e) Where new or expanded dairy farming of cows includes land in more than one physiographic zone, the rules for each physiographic zone shall apply to the land within that zone.</p> <p>(f) (b) <u>(b)</u> Despite Rule 22(e), where new or expanded dairy farming of cows includes land of less than 10 hectares in any one physiographic zone, the landholder may determine whether the physiographic zone for that area, or the prevalent physiographic zone for the landholding, applies to that area of the land.</p> <p>(g) <u>(d)</u> Despite Rule 22(a) to (b) <u>(e)</u> the use of land for dairy farming of</p>

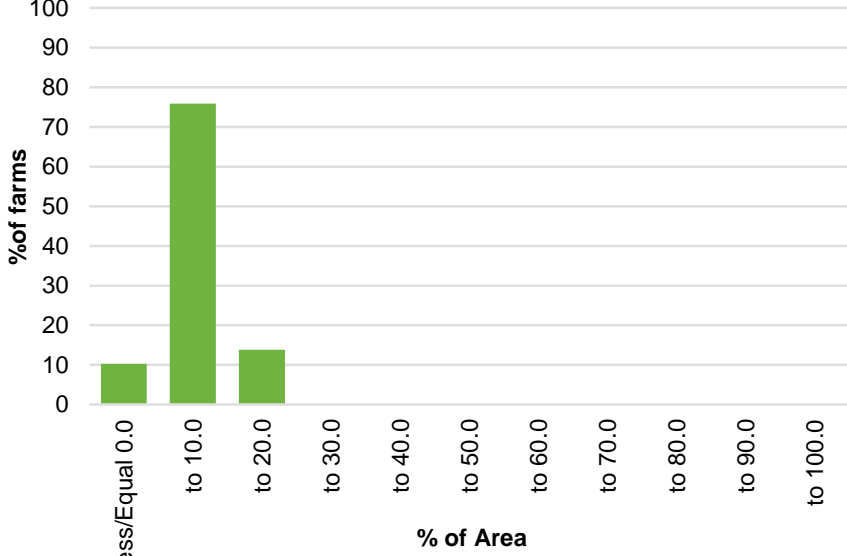
Plan section	Relief sought and reasons for decision	Decision Sought
		<p>cows is a restricted discretionary activity, provided the following conditions are met:</p> <p>(i) ...</p>
Rule 23	<p>B+LNZ opposes this rule - seek to amend</p> <p>Farmers' anecdotal evidence Farmers told us that the area thresholds were too small for many sheep and beef farms – particularly on large properties. B+LNZ discussed alternatives with farmers and they proposed an area threshold of 15 percent of effective area.</p> <p>Survey data supports farmers' observations B+LNZ Sheep and Beef Farm Survey data supports farmers' observations.</p> <p>The B+LNZ Sheep and Beef Farm Survey is a statistically representative survey that has been running for more than 50 years. Based on the data, B+LNZ recommends a winter grazing threshold set at 10 percent of effective area. This will allow just under 90 percent of farms to manage winter grazing through a Farm Environment Plan, and will capture the farms with the largest intensive winter grazing area (top 10 percent) under resource consent – see Figure 1.</p> <p>This is consistent with Environment Southland's intent, expressed during the pre-plan consultation, of requiring only the winter grazing specialists to have a resource consent.</p>	<ul style="list-style-type: none"> • Use 10 percent of effective area, or 50 ha threshold. • Use this rule to stage the introduction of Farm Environment Plans, not Rule 20. • Stage Farm Environment Plans from 2020 onwards, using a trigger other than physiographic zones. • Ensure timelines support Farm Environment Plan development, without the requirement for a resource consent. • Amend the rule so it is not ambiguous or open to interpretation. • Change the requirement to map only known subsurface drains. • Extend the slope buffer distances to better reflect on-ground practices. • Use Farm Environment Plans to permit cultivation on slopes to 30 degrees, if risk is appropriately managed. • Use resource consent to manage cultivation on slopes more than 30 degrees, where required. • Allow sheep in buffer strips so rule is consistent with Rule 70. • Reduce the coastal area buffer to 20 metres. • Remove physiographic zones from the rule. • Note that B+LNZ may seek to revise this rule as part of the limit setting conversation.

Plan section	Relief sought and reasons for decision	Decision Sought
	<p>Figure 1: Percentage Distribution of Winter Feed Area per Cent of Total Effective Area - Southland - 2014-15 Sheep and Beef Farm Survey</p> <p style="text-align: center;">All</p>  <p style="text-align: center;">Source: Beef + Lamb New Zealand Economic Service</p> <p>We then broke this data into the Farm Classes used in the survey (see B+LNZ website for information about how each Farm Class is defined). This more granular data shows that smaller farms (more likely to be in Farm Class 7) have less than 50 hectares of winter grazing area, but that their winter grazing area will make up more than 10 percent of the farm's effective area.</p> <p>This shows that a more nuanced rule is required to manage the different sheep and beef farm systems across Southland.</p> <p>A 50 hectare threshold should be maintained in the rule to ensure smaller farms are not inadvertently captured by a percentage threshold. See Figures 2 and 3.</p>	<ul style="list-style-type: none"> • Amend Rule 23 as follows: <ul style="list-style-type: none"> a) Until 30 May 20182020, the use of land for intensive winter grazing is a permitted activity. b) (b) From 30 May 20182020, the use of land for intensive winter grazing is a permitted activity, provided the following conditions are met: <ul style="list-style-type: none"> (i) a Management Plan is prepared and implemented in accordance with Appendix N, including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the landholding on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants; (ii) no intensive winter grazing is undertaken in the Alpine physiographic zone; (iii) not more than 20 hectares of intensive winter grazing is undertaken on a landholding within the Old Mataura, or Peat Wetlands physiographic zones; (iv) not more than <u>10 percent of a landholding effective area or 50 hectares</u> of intensive winter grazing is undertaken on a landholding within the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains, or Lignite-Marine Terraces physiographic zones; (v) the area of land used for intensive winter grazing is recorded for each year and provided to Environment Southland on request; (vi) the location of any <u>new</u> sub-surface drains or the

Plan section	Relief sought and reasons for decision	Decision Sought
	<p>Figure 2: Distribution of Winter Feed Area per Farm - Southland - 2014-15 Sheep and Beef Farm Survey on Class 7 farms</p> <p style="text-align: center;">Class 7</p>  <p style="text-align: center;">Source: Beef + Lamb New Zealand Economic Service</p>	<p>maintenance or upgrading of existing 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 cattle¹ and deer² stock excluded from, the outer edge of the bed of a surface waterbody any river, wetland, modified watercourse or artificial watercourse for a distance of:</p> <ol style="list-style-type: none"> 1. 3 metres from the outer edge of the bed on land with a slope up to of less than 410 degrees; and 2. 10 metres from the outer edge of the bed on land with a slope between 104 and 1620 degrees; and 3. 20-15 metres from the outer edge of the bed on land with a slope between of greater than 1620 and 30 degrees; and <p>(viii) the winter grazing does not occur within 100-20 m of the outer edge of the bed of any lake or the Coastal Marine Area;</p> <p>(ix) overland flow of run-off water does not cause a conspicuous discolouration or sedimentation of any adjacent waterbody.</p> <p>e) From 30 May 2018, 2020, the use of more than 520 hectares of a landholding or 10 percent of a landholding's effective area for intensive winter grazing that does not comply with Rule 23 (b) in the Old Maitauru, 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</p>

¹ From 1 May 2022 as sought in subsequent amendment

² From 1 May 2024 as sought in subsequent amendment

Plan section	Relief sought and reasons for decision	Decision Sought																								
	<p>Figure 3: Percentage Distribution of Winter Feed Area per Cent of Total Effective Area - Southland - 2014-15 Sheep and Beef Farm Survey</p> <p style="text-align: center;">Class 7</p>  <table border="1" data-bbox="264 327 1108 885"> <caption>Data for Figure 3: Percentage Distribution of Winter Feed Area per Cent of Total Effective Area - Southland - 2014-15 Sheep and Beef Farm Survey - Class 7</caption> <thead> <tr> <th>% of Area</th> <th>% of farms</th> </tr> </thead> <tbody> <tr> <td>Less/Equal 0.0</td> <td>10</td> </tr> <tr> <td>to 10.0</td> <td>75</td> </tr> <tr> <td>to 20.0</td> <td>15</td> </tr> <tr> <td>to 30.0</td> <td>0</td> </tr> <tr> <td>to 40.0</td> <td>0</td> </tr> <tr> <td>to 50.0</td> <td>0</td> </tr> <tr> <td>to 60.0</td> <td>0</td> </tr> <tr> <td>to 70.0</td> <td>0</td> </tr> <tr> <td>to 80.0</td> <td>0</td> </tr> <tr> <td>to 90.0</td> <td>0</td> </tr> <tr> <td>to 100.0</td> <td>0</td> </tr> </tbody> </table> <p>Source: Beef + Lamb New Zealand Economic Service</p> <p>Consistent messaging In our October 2015 submission, we told Council that a percent threshold would be a more useful indicator than an area threshold.</p> <p>We also said that controlling winter grazing area is not an effects-based approach. Someone with two hectares of very poorly managed winter crop could potentially be having a much greater effect than a farmer with 50 hectares of very well managed crop.</p> <p>We stand by these statements.</p>	% of Area	% of farms	Less/Equal 0.0	10	to 10.0	75	to 20.0	15	to 30.0	0	to 40.0	0	to 50.0	0	to 60.0	0	to 70.0	0	to 80.0	0	to 90.0	0	to 100.0	0	<p>are met:</p> <p>(i) the area of land used on the landholding for intensive winter grazing has not increased beyond the area of land used, averaged over the previous three years;</p> <p>(ii) conditions (v) to (ix) of Rule 23(b) are met; and</p> <p>(iii) a Management Plan has been prepared in accordance with Appendix N;</p>
% of Area	% of farms																									
Less/Equal 0.0	10																									
to 10.0	75																									
to 20.0	15																									
to 30.0	0																									
to 40.0	0																									
to 50.0	0																									
to 60.0	0																									
to 70.0	0																									
to 80.0	0																									
to 90.0	0																									
to 100.0	0																									

Plan section	Relief sought and reasons for decision	Decision Sought
	<p>Unclear drafting of rule It is unclear whether the notified Rule 23(b)(iii) means that:</p> <ul style="list-style-type: none"> • a landholding with Peat Wetlands/ Old Maitaura physiographic zones present (irrespective of where the intensive winter grazing occurs) is limited to 20 ha; or • if intensive winter grazing is limited to 20 ha within the Peat Wetlands/ Old Maitaura physiographic zones on the landholding. <p>Similarly for Rule 23(b)(iv). Further, this rule could then be interpreted as up to 70ha of intensive winter grazing is permitted on a landholding with different physiographic zones.</p> <p>The rule must be clear and not open to interpretation.</p> <p>Introduce Staging Environment Southland should introduce staging into Rule 23 to help farmers transition to Farm Environment Plans smoothly, and with sufficient resources to support them.</p> <p>The staging should be based on a factor other than physiographic zones. B+LNZ welcomes the opportunity to work with Environment Southland to establish what the trigger should be. We have not suggested an alternative as a decision sought, as an industry agreed approach should be discussed.</p> <p>Staging should start from 2020 onwards.</p> <p>The timelines introduced must support Farm Environment Plan development, without the requirement for a resource consent.</p> <p>Effects of the limit setting process While discussing alternatives to this rule, farmers noted that the rule could be better managed through an N limit rather than an area threshold.</p> <p>Their suggestion was a simple formula:</p>	

Plan section	Relief sought and reasons for decision	Decision Sought
	<p><i>If Nitrogen discharge is greater than X kg N/ha/yr, then limit winter grazing to 50/20 ha. If Nitrogen discharge is less than X kg N/ha/yr, then no limit on winter grazing area.</i></p> <p>However, at this stage of the policy process, we do not have the information to discuss what 'X' should be. In the interim, farmers have asked that we simply flag this rule as a possible approach for future policy.</p> <p>Mapping all subsurface drains Farmers assert that subsurface drains within intensive winter grazing areas can be very difficult to find. The mapping aspect of this rule, 23(b)(vi), should be amended to require mapping only known subsurface drains.</p> <p>Buffer distances The proposed buffer distances are not practical on-ground. Through our workshop process, farmers told us that they support the concept that the risk of soil loss increases with slope. However, they advised that the notified buffer distances were too restrictive and will result in many farmers requiring resource consent.</p> <p>Council would need to respond to these resource consent applications quickly as farmers only have a short four-week window to complete their cultivation. If farmers delay in applying for their resource consent, or all farmers apply at a similar time just before cultivation is due to commence, there will be:</p> <ul style="list-style-type: none"> • a significant backlog for Consents Officers; • a potential PR issue for Council if farmers are unable to get a consent in time to cultivate; and • potential for cultivation on slopes to be undertaken without the appropriate paperwork completed. <p>As an alternative to the notified rule, farmers proposed that Farm Environment Plans are used to manage cultivation on slopes up to 30 degrees. Farm Environment Plans enable farmers to plan where they will be cultivating and outline the good management practices they will take to mitigate any environmental risk.</p>	

Plan section	Relief sought and reasons for decision	Decision Sought
	<p>Essentially:</p> <ul style="list-style-type: none"> • Cultivation within the specified thresholds is permitted; and • Farmers must get a resource consent after 2020 if they do not meet the specified thresholds and they do not have a farm plan – if they have a farm plan at 2020 then they shouldn't require consent. <p>Farmers told B+LNZ that the following buffers are more workable on-ground:</p> <ul style="list-style-type: none"> • 3 metre buffer for slopes up to 10 degrees; • 10 metre buffer for slopes 10 to 20 degrees; and • 15 metre buffer for slopes 20 to 30 degrees. <p>Stock excluded from buffer strip Rule 23(b)(vii) is inconsistent with the stock exclusion rule. In Rule 23, all stock must be excluded. In contrast the stock exclusion rule (Rule 70) only requires cattle and deer to be excluded.</p> <p>This rule should be consistent with Rule 70, i.e. sheep should not be excluded from the buffer strip, as long as the other aspects of Rule 70, such as sedimentation of waterways, are avoided.</p> <p>Coastal buffer area too large Farmers told us that the coastal buffer is too small and not practical. A more appropriate coastal buffer is 20 metres.</p> <p>Remove physiographics As discussed above, this rule is dictating farm scale actions based on much larger scale maps. Environment Southland cannot restrict intensive winter grazing within some physiographic zones without ground truthing the data.</p> <p>This physiographic information can be used as a reference as farmers</p>	

Plan section	Relief sought and reasons for decision	Decision Sought
<p>Rule 25</p> <p>Cultivation on sloping ground</p>	<p>develop up their farm environment plans.</p> <p>B+LNZ opposes this rule - seek to amend</p> <p>As discussed in our comments on Intensive Winter Grazing, the notified buffer areas are not practical for on-farm management.</p> <p>See comments on Rule 23 for more information / rationale for these changes.</p> <p>Measuring slope</p> <p>During our workshops with farmers, two common questions asked were:</p> <ul style="list-style-type: none"> • “how do I measure slope?” and • “how will I implement this rule?” <p>B+LNZ seeks clarification on footnotes 4 and 5 for this rule. The explanation for measuring slope in these footnotes is difficult to understand, and to comply with in the field. B+LNZ would happily work with Council to identify a clearer way to communicate ways to measure slope, and to comply with slope requirements while cultivating paddocks.</p>	<ul style="list-style-type: none"> • Clarify how to accurately measure slope to ensure compliance with the rules. • Extend the slope buffer distances to better reflect on-ground practices. • Use a Farm Environment Plan, not resource consent to cultivate steeper slopes • Amend rule to read: <p>The use of land for cultivation is a permitted activity provided the following conditions are met:</p> <p>(i) cultivation does not take place within the bed of a lake, river, natural wetland, modified watercourse or artificial watercourse and within a distance of:</p> <p>(1) 3 metres from the outer edge of the bed on land with a slope <u>up to 10 degrees</u> of less than 4 degrees (flat); and</p> <p>(2) 10 metres from the outer edge of the bed on land with a slope between <u>10 to 20</u> 4 and 16 degrees (rolling); and</p> <p>(3) <u>15-20</u> metres from the outer edge of the bed on land with a slope of greater than 16 <u>between 20 and 30</u> degrees (strongly rolling); and</p> <p>(ii) cultivation does not occur above 700 metres above mean sea level, or mechanical cultivation on land with a slope greater than 20 degrees (moderately steep)⁵.</p> <p>(b)...</p>
<p>Rule 35</p>	<p>B+LNZ supports in part - seek to amend</p>	<ul style="list-style-type: none"> • Amend rule to read:

Plan section	Relief sought and reasons for decision	Decision Sought
Discharge of agricultural effluent to land	The standoff pad requirements of this rule are unnecessarily restrictive. Instead of limiting standoff pads to one per property, consider limiting the number of stock that could be using a standoff pad. Increased numbers of standoff pads don't have to equal increased environmental degradation. The notified rule is activity based rather than effects based.	(3) directly from feed lots and wintering pads that: (a) until 31 December 2017 service no more than 100 adult cattle or 250 adult deer; and (b) from 1 January 2018 service no more than 100 adult cattle or 250 adult deer where the feed lot or wintering pad: (i) is not less than 20 metres from the nearest sub-surface (tile) drain, surface waterbody or wetland; and (ii) is the only feed lot or wintering pad on the landholding; or (c) service no more than 10 adult cattle or 25 adult deer in any other circumstance; or
Rule 70 Stock exclusion from waterbodies	<p>B+LNZ opposes this rule - seek to amend</p> <p>There are aspects to this rule that B+LNZ supports. These include:</p> <ul style="list-style-type: none"> • Stock exclusion, not fencing, required through the rule; • Environment Southland recognises the lower risk that sheep pose to water quality; and • Stock exclusion is not required on land classified as hill country/ bedrock physiographic zone and is over 16 degrees. <p>However, there are several parts to this rule that B+LNZ opposes and wishes to amend. These include:</p> <ul style="list-style-type: none"> • Some famers who are at variance with this rule will require both a resource consent and a management plan • Stock exclusion, especially by 1 May 2018, is not practical or affordable on large properties. • 16 degree exemption only applies to bedrock/ hill country physiographic zones. 	<ul style="list-style-type: none"> • Use Farm Environment Plans, not resource consent, for stock exclusion; • Allow farmers to identify and prioritise where to exclude stock (through their Farm Environment Plan) rather than requiring the activity to be consented; • Extend deadlines for stock exclusion to 2025; • Recognise farmers actively implementing their Farm Environment Plan by allowing time extensions; • Amend Rule 70 to read: <ul style="list-style-type: none"> (a) The disturbance of the bed of surface waterbody a lake, river, natural wetland, artificial watercourse or modified watercourse by stock and associated discharge through access by stock is a permitted activity provided the following conditions are met: <ul style="list-style-type: none"> (i) there is no discharge that gives rise to any conspicuous change in the colour or visual clarity in the receiving water; (ii) there is no significant de-vegetation of the bed and banks,

Plan section	Relief sought and reasons for decision	Decision Sought
		<p>pugging, or alteration to the profile of the bed and banks, other than at fords or stock crossings;</p> <p>(iii) there is no access by stock to roosting and nesting areas of the black fronted tern, black billed gull, and banded and black fronted dotterel;</p> <p>(iv) there is no access by stock to the area of tidally influenced river and adjacent riparian habitat;</p> <p>(v) where a dedicated stock crossing point or ford is used, condition (ii) above may be disregarded, provided the crossing point is not more than 20 metres wide and aligns with a constructed track or raceway on either side of the crossing point;</p> <p>(vi) despite (i) to (v), stock (excluding sheep and deer), are to be excluded from 1 May 2025¹⁸ from <u>surface waterbodies</u> : all rivers, natural wetlands, artificial watercourses, modified watercourses and lakes in the Peat Wetlands, Lignite-Marine Terraces, Gleyed, Oxidising, Old Mataura, Central Plains, and Riverine physiographic zones; and in the Bedrock/Hill Country physiographic zone, from all rivers, natural wetlands, artificial watercourses, modified watercourses and lakes where the land, when measured over a width of 20 metres from the waterbody, has a slope of less than 16 degrees.</p> <p>(vii) despite (i) to (v), deer are to be excluded from 1 May 2030²⁰ from <u>surface waterbodies</u> : rivers, natural wetlands, artificial watercourses, modified watercourses and lakes in the Peat Wetlands, Lignite-Marine Terraces, Gleyed, Oxidising, Old Mataura, Central Plains, and Riverine physiographic zones; and in the Bedrock/Hill Country physiographic zone from all rivers, natural wetlands, artificial watercourses, modified watercourses</p>

Plan section	Relief sought and reasons for decision	Decision Sought
		<p>and lakes where the land, when measured over a width of 20 metres from the waterbody, has a slope of less than 16 degrees.</p> <p>(viii) A Farm Environment Plan has been prepared in accordance with Appendix N that shows how the stock exclusion required by conditions (vi) and (vii) of Rule 70(a) will be achieved.</p> <p>(b) The disturbance of the bed of a surface waterbody lake, river, natural wetland, artificial watercourse or modified watercourse by stock and associated discharge through access by stock, that does not meet one or more of conditions (vi) and (viii) of Rule 70(a) is a discretionary activity, provided the following conditions are met:</p> <p>(i) a Riparian Management Plan has been prepared in accordance with Appendix N that shows how the stock exclusion required by conditions (vi) and (vii) of Rule 70(a) will be achieved by 1 January 2025 and is implemented.</p> <p>(c) The disturbance of the bed of a lake, river, natural wetland, artificial watercourse or modified watercourse and associated discharge through access by stock that does not comply with conditions (i) – (v) of Rule 70(a) or Rule 70(b) is a non-complying activity.</p>
<p>Rule 76</p> <p>Vegetation planting</p>	<p>B+LNZ supports in part - seek to amend</p> <p>Elements of this rule seem unnecessarily prescriptive.</p> <p>Rule 76(a)(iii) is already covered by the Southland RMPS – i.e. Council can ensure pest species are not planted under this regulation. This rule is superfluous.</p> <p>Rule 76(a)(i) prevents people without a Farm Environment Plan from planting riparian margins – is this necessary?</p>	<ul style="list-style-type: none"> • Remove aspects of the rule that duplicates other regulation; • Allow riparian planting outside of a Farm Environment Plan; • Amend Rule 76 to read: <p>The introduction or planting of any plant, or part of any plant, in the bed of any lake, river, or modified watercourse is a permitted activity, provided the following conditions are met:</p>

Plan section	Relief sought and reasons for decision	Decision Sought
		<p>(i) the planting is undertaken pursuant to a Riparian Management Plan or a Management Plan prepared in accordance with Appendix N; (ii) the planting is not production forestry; (iii) no plants listed in the Regional Pest Management Strategy for Southland 2013 are introduced or planted.</p> <p>(b) ...</p>
<p>Glossary</p> <p>Critical Source Area</p>	<p>B+LNZ supports in part - seek to amend</p> <p>The definition of critical source areas does not include runoff, which is a key component of the issues associated with these areas.</p> <p>Further, the definition is reasonably broad and appears open to interpretation.</p>	<ul style="list-style-type: none"> • Work with industry to develop an agreed definition of critical source area. • As a starting point, amend definition to read: <p>Small Areas, up to Xm² [use an industry agreed definition of small] of enriched nutrient or sediment sources and hydrological activity where runoff that occur in small parts of a catchment or farm, but contributes a disproportionately large amount of nutrient or sediment to the environment (e.g. steep hills, gullies or swales).</p> <p>Critical source areas are small low-lying parts of farms such as gullies and swales, where runoff accumulates in high concentration.</p>
<p>Glossary</p> <p>Cultivation</p>	<p>B+LNZ opposes this definition - seek to amend</p> <p>The S32 report notes that cultivation provisions “aim to prevent soil loss into waterways” (page 50, S32 report).</p> <p>However, the definition of cultivation provided in the Plan includes activities that pose a lower risk sediment loss, such as ‘spray and pray’.</p>	<ul style="list-style-type: none"> • Amend definition to remove non-mechanical cultivation techniques: <p>Preparing land for growing pasture or a crop by mechanical tillage or spraying (excluding spot spraying).</p>
<p>Glossary</p> <p>Intensive Winter Grazing</p>	<p>B+LNZ opposes this definition - seek to amend</p> <p>This definition is too broad and captures a number of lower risk winter feeding activities.</p> <p>Sheep are included in definition</p>	<ul style="list-style-type: none"> • Exclude sheep from definition • Exclude pasture and cereal crops from the definition • Amend definition to read:

Plan section	Relief sought and reasons for decision	Decision Sought
	<p>Environment Southland's public information document 'Shaping the new plan' explicitly states "<i>Intensive winter grazing of dairy cows has been identified as an activity that has a significant effect on water quality.</i>" However, this definition captures all stock, including sheep.</p> <p>Other regional councils have recognised the lower impact associated with sheep grazing and have excluded this species from their definition of intensive winter grazing. For example, see ECan's definition of intensive winter grazing in Plan Change 5.</p> <p>Sheep are lighter animals and with smaller urine patches compared with cattle and deer. Sheep pose a lower risk and should be excluded from the definition.</p> <p>Forage crops</p> <p>The notified definition appears to capture strip grazing and hard feeding of pasture, both of which pose less risk to nutrient losses and sediment runoff.</p> <p>The definition needs to clearly state that pasture is excluded from the definition to prevent any future interpretation discrepancies.</p> <p>Break-feeding of cereal crops should also be excluded from the definition of intensive winter grazing, because soil is not left bare and exposed. I.e. plants are still available for growth and nutrient uptake.</p>	<p>Grazing of <u>cattle and deer stock</u> between May and September (inclusive) on forage crops, <u>excluding pasture and cereal crops</u>.</p>
<p>Glossary</p> <p>Material change</p>	<p>B+LNZ seeks that a new definition is added</p> <p>Appendix N refers to 'material change in land use'. This is a loose definition that could have a number of different interpretations.</p> <p>'Material change' should be defined in the Plan to avoid implementation issues.</p>	<ul style="list-style-type: none"> • Add a definition of 'material change in land use'. • Consult industry to establish what should be included in this definition, so the result is industry agreed.
<p>Glossary</p>	<p>B+LNZ opposes this definition - seek to amend</p>	<ul style="list-style-type: none"> • Delete definition

Plan section	Relief sought and reasons for decision	Decision Sought
Physiographic Zone	As discussed in comments on section B- maps, the physiographic zone maps should be removed from the Plan	Physiographic Zone – The zones as depicted on Map Series 4: Physiographic Zones.
Glossary Surface Water body	<p>B+LNZ opposes this definition - seek to amend</p> <p>This definition is too broad to pragmatically implement rules specific to waterbodies, such as the stock exclusion rule.</p> <p>As an alternative, B+LNZ recommends a definition similar to the Dairying and Clean Stream's Accord definition:</p> <p><i>“deeper than a red-band gumboot (ankle deep), wider than a stride (1 metre) and permanently flowing.”</i></p> <p>This definition is:</p> <ul style="list-style-type: none"> • Already agreed across industry as an appropriate definition • Widely known and understood by farmers; • easy to measure/ test when out in the field; and • a pragmatic response to balancing environmental gains with costs to landowners. 	<p>Amend the definition of surface waterbody to:</p> <p>Freshwater or geothermal water in:</p> <ul style="list-style-type: none"> • a river, or lake, stream, <u>but excludes water in an artificial watercourse, that is deeper than 15 cm and wider than 1 metre;</u> or • <u>A lake or pond that is Xm² [use an industry agreed size]</u> or • <u>a</u> wetland <p>or any part thereof that is not located within the coastal marine area but excludes water in an artificial watercourse</p>
Glossary Stock	B+LNZ supports in part - seek to amend	Farm animals kept for use or profit such as horses, dairy cows, cattle, deer, pigs, goats and sheep.
Glossary Wetland	<p>B+LNZ opposes this definition – seeks to remove</p> <p>This broad definition will capture areas that are not wetlands and do not have the ecological values provided by wetlands, such as paddocks that are periodically wet.</p> <p>The definition of natural wetlands is more appropriate. Delete the definition of wetland, and use only the natural wetland definition</p>	Delete definition Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions.
Appendix N	B+LNZ supports in part - seek to amend	<ul style="list-style-type: none"> • Define what 'material change in land use' is.

Plan section	Relief sought and reasons for decision	Decision Sought
<p>Management Plan Requirements</p>	<p>Management Plans typically encompass many aspects not covered in Appendix N, including but not limited to genetics, feed, finance etc.</p> <p>B+LNZ recommends that each reference to 'management plan' is amended to 'Farm Environment Plan'. We have used the terminology 'Farm Environment Plan' throughout this submission.</p> <p>The positives of Farm Environment Plans</p> <p>B+LNZ gives in-principle support for the use of Farm Environment Plans. This is because these plans:</p> <ul style="list-style-type: none"> • formalise positive actions already being taken on farm; • evidence claims that sheep and beef farmers are effective stewards of the land; • help the sector to continually examine and improve their environmental practices on farm; and • provide flexibility to make environmental decisions that are appropriate to each property. <p>Farm Environment Plans or resource consents – not both</p> <p>However, B+LNZ questions the need for both farm environment plans and resource consents. If a farm environment plan is done well, then any need for a resource consent should be negated. If a farmer breaches an activity rule, but a Farm Environment Plan is approved, then the farmer should not be required to obtain a require consent.</p> <p>Keep it Simple</p> <p>Farm Environment Plans need to be simple and easy for farmers to complete. The fewer barriers to farm environment planning, the greater the engagement and positivity around the process. B+LNZ wants farmers to complete these plans because they see the value in them, not just because they have to.</p> <p>Nutrient budgets on lower risk properties</p> <p>What does material change mean? Please define this – see comments in glossary section</p>	<ul style="list-style-type: none"> • Be more specific about Environment Southland's expectations around actions for 'annual review of input data' • Keep the Farm Environment Plans simple and easy to engage in. • Amend Appendix N to read: <p>The following definitions are relevant to Appendix N.</p> <p>Critical Source Area means: Areas of enriched nutrient or sediment sources and hydrological activity that occur in small parts of a catchment or farm, but contribute a disproportionately large amount of nutrient or sediment to the environment (e.g. steep hills, gullies or swales).</p> <p>Part A – Farm Environment Management Plans</p> <p>A Farm Environment Management Plan can be based on either of:</p> <ol style="list-style-type: none"> 1. the material set out in Part B below; OR 2. industry prepared Farm Environment Management Plan templates and guidance material that: <ul style="list-style-type: none"> (a) includes the material set out in Part B below, contains a methodology that will enable development of a plan that will identify actual and potential environmental effects and risks specific to the property, addresses those effects and risks and has a high likelihood of appropriately avoiding, remedying or mitigating those effects, includes objective performance measures; and (b) has been approved as meeting the criteria in (a) and being acceptable to the Southland Regional Council by the Chief Executive of the Southland Regional Council. <p>Part B – Farm Environment Management Plan Content</p> <ol style="list-style-type: none"> 1. A written Farm Environment Management Plan is:

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	<p>Rule 4(a)(iii) refers to annual review of nutrient budget input data. This again could be interpreted in different ways.</p> <p>No actions outlined for irrigation management</p> <p>Section 10 is written as a rule, but does not specify any actual actions that farmers must include in their Farm Environment Plan.</p> <p>Irrigated areas should be highlighted within a Farm Environment Plan, and any good management practices noted. The contents of Appendix N, section 10 should be shifted into a good management practice document and removed from the Plan.</p>	<ul style="list-style-type: none"> • prepared and retained, identifying the matters set out in numbers 2–10 below; • updated-reviewed at least once every 12 months; and • provided to the Southland Regional Council upon request. <p>2. The following property details are recorded:</p> <ul style="list-style-type: none"> • physical address; • description of the ownership and name of a contact person; • legal description of the land and farm name; • details of all resource consents held, including a copy of each consent. <p>3. A map(s) or aerial photograph(s) at a scale that clearly shows:</p> <ul style="list-style-type: none"> • the boundaries of the property; • the location of significant farm infrastructure; • the location of any critical source areas <u>within intensive winter grazing and cultivated areas of the property;</u> • the physiographic unit(s) in which the land is located; • the location of permanent or intermittent rivers, streams, lakes, drains, ponds or wetlands; • where known <u>by the property owner</u>, the <u>location</u> of any subsurface drainage system(s) and relative depth and position , including the outlet(s) of any such systems; • the location of riparian vegetation and fences adjacent to waterbodies;

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		<ul style="list-style-type: none"> • the location on all water ways where stock access or crossing occurs; • the location of any known and recorded heritage site; • the location of any areas within or adjoining the property that are identified in a District Plan as “significant indigenous biodiversity”. <p>4. Nutrient Budget</p> <p>(a) A nutrient budget based on soil nutrient tests has been prepared, using the latest version of the OVERSEER model, in accordance with the latest version of the OVERSEER Best Practice Data Input Standards, or an equivalent model approved by the Chief Executive of Southland Regional Council:</p> <p>(i) where a material change in the land use associated with the farming activity occurs (being a change exceeding that resulting from normal crop rotations or variations in climatic or market conditions) the nutrient budget shall be prepared at the end of the year in which the change occurs, and also three years after the change occurs;</p> <p>(ii) where a material change in the land use associated with the farming activity does not occur, the nutrient budget shall be prepared once every three years;</p> <p>(iii) an annual review of the input data used to prepare the nutrient budget shall be carried out by or on behalf of the landowner for the purposes of ensuring the nutrient budget accurately reflects the farming system. A record of the review shall be kept by the landowner.</p> <p>5. Good Management Practices</p> <p>(a) A good management practices section which identifies:</p> <p>(i) the general good management practices which will be undertaken on farm over the coming 1 June to 31 May <u>12 month</u> period. Examples of general good management practices are provided on the Southland</p>

Plan section	Relief sought and reasons for decision	Decision Sought
		<p>Regional Council website.</p> <p>(ii) the physiographic zones, and variants (where applicable) within the property;</p> <p>(iii) the key transport pathways and contaminants (where applicable) for each of the physiographic zones within the property, from Table 1 below;</p> <p>(iv) any the good management practices for any relevant key transport pathways which will be undertaken on farm over the coming 1 June to 31 May <u>12 month</u> period. A list of example actions to consider for each of the mitigations is provided on the Southland Regional Council website;</p> <p>(v) upon 12 monthly review, the good management practices that were undertaken in the previous 1 June to 31 May <u>12 month</u> period and the good management practices to be implemented over the coming 1 June to 31 May <u>12 month</u> period;</p> <p>(vi) a range of good management practices will be implemented each year.</p> <p>6. Riparian Management Plan</p> <p>(a) A Riparian Management Plan is considered prepared and implemented, and recorded in written and/or map form:</p> <p>(i) methods to exclude stock, where required, from waterbodies, critical source areas and riparian areas;</p> <p>(ii) in relation to sheep, the mitigation measures to manage critical source areas to ensure contaminant losses, particularly associated with overland flow, are minimised.</p> <p>(iii) the mitigation options to minimise overland flow including areas where stock will be excluded and areas where vegetation will be planted;</p> <p>(iii) the <u>location type</u> of <u>riparian</u> vegetation to be planted and how it will</p>

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		<p>be maintained;</p> <p>(iiv) the grazing of appropriately fenced riparian margins for weed control purposes;</p> <p>(iv) the access to waterways for maintenance purposes, and in particular the waterways that are maintained by the Southland Regional Council in accordance with the Southland Flood Control Management Bylaw 2010.</p> <p><u>(v) how riparian areas will be maintained.</u></p> <p>(b) An up-to-date copy of the Riparian Management Plan is kept and provided to the Southland Regional Council upon request.</p> <p>7. Cultivation</p> <p>(a) A cultivation map showing:</p> <p>(i) waterbodies;</p> <p>(ii) buffer strips along those waterbodies as follows:</p> <p>(1) 3 m buffer where slopes are 4 degrees or less <u>3 metre buffer for slopes up to 10 degrees</u></p> <p>(2) 10 m buffer where slopes are greater than 4 degrees and up to 16 degrees <u>10 metre buffer for slopes 10 to 20 degrees</u></p> <p>(3) 20 m buffer where slopes are greater than 16 degrees <u>15 metre buffer for slopes 20 to 30 degrees</u></p> <p>(4) as specified in resource consent conditions where the slopes are greater than 20 degrees;</p> <p>(iii) land where cultivation is planned over the next <u>12 month</u> period June to 30 May;</p> <p>(iv) any proposed good management practices for cultivation, such as</p>

Plan section	Relief sought and reasons for decision	Decision Sought
		<p>contour ploughing, strip cultivation or minimum tillage.</p> <p>8. Intensive winter grazing</p> <p>Where intensive winter grazing is undertaken, an intensive winter grazing section which contains:</p> <p>(a) Good management practices:</p> <p>(i) to minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land for intensive winter grazing;</p> <p>(ii) to avoid the conspicuous discolouration or sedimentation of any adjacent waterbodies;</p> <p>(b) an intensive winter grazing map showing the total extent of land that may be intensively winter grazed on the property which includes the following details in respect to that land:</p> <p>(i) the extent of land to be intensively winter grazed for the next <u>winter period</u>, 1 May to 30 September <u>inclusive</u>;</p> <p>(ii) critical source areas;</p> <p>(iii) waterbodies;</p> <p>(iv) slope classes;</p> <p>(v) buffer strips;</p> <p>(vi) location of sub-surface drains their outlet position and relative height, <u>where known by the property owner</u>.</p> <p>9. Collected Agricultural Effluent</p> <p>(a) The animal effluent disposal system application separation distances, depth, uniformity and intensity are self-checked annually in accordance</p>

Plan section	Relief sought and reasons for decision	Decision Sought
		<p>with Section 4 "Land Application" in the guideline "A Farmer's Guide to Managing Farm Dairy Effluent - A Good Practice Guide for Land Application Systems" [2013].</p> <p>(b) Records of the application, separation distances, depth, uniformity and intensity of dairy effluent disposal, in accordance with (e)(ii) above, are kept and provided to the Southland Regional Council.</p> <p>(c) The application of collected agricultural effluent is avoided when the soil temperature is less than 5°C.</p> <p>10. Irrigation Management (applies to farming activities that irrigate):</p> <p>(a) All irrigation systems installed or replaced after 1 October 2015 meet the Irrigation New Zealand Piped Irrigation Systems Design Code of Practice 2013, Irrigation New Zealand Piped Irrigation Systems Design Standards 2013 and the Irrigation New Zealand Piped Irrigation Systems Installation Code of Practice 2013.</p> <p>(b) The irrigation system application depth and uniformity are self-checked annually in accordance with the relevant Irrigation NZ Pre-Season Checklist²⁸ and IRRIG Quick Irrigation Quick tests²⁹ for any irrigation system operating on the property.</p> <p>(c) Irrigation applications are undertaken in accordance with property specific soil moisture monitoring, or a soil water budget, or an irrigation scheduling calculator. Soil monitoring means monitoring soil moisture using either volumetric or tension based methodology.</p> <p>(d) Records of irrigation system application depth and uniformity checklists, irrigation applications, soil moisture monitoring or soil water budget or irrigation scheduling calculator results and rainfall are kept and provided to the Southland Regional Council upon request</p> <p><u>(a) Irrigated areas are mapped; and</u></p> <p><u>(b) Any relevant good management practices which will be undertaken on farm over the coming 12 month period are noted. A list of example</u></p>

Plan section	Relief sought and reasons for decision	Decision Sought
		good management actions to consider is provided on the Southland Regional Council website;

Part B - Maps

Plan section	Discussion	Decision Sought
<p>Map Series 4 - Physiographic Zones</p>	<p>B+LNZ opposes this rule - seek to remove</p> <p>Keep maps of physiographic zones outside the Plan</p> <p>As the Plan has been notified, a Plan change would be required to amend incorrect physiographic zones, a cumbersome and time consuming exercise for all involved.</p> <p>As an alternative, shift the physiographic zone maps outside of Plan so incorrect physiographic zones can be amended without requiring a Plan Change.</p>	<ul style="list-style-type: none"> • Remove all physiographic zone maps from the Plan