

RMA section 360I Investigation Report – Changes to Proposed Southland Water and Land Plan

Prepared for the Ministry for the Environment

12 August 2026

Environment Matters Limited

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- 1 Property Economics report
- 2 Environment Southland explanatory content document
- 3 Final proposed amendments
- 4 Assessment of Treaty matters and national policy statements

Executive summary

Recent changes to the Resource Management Act – particularly section 360I – allow the Governor General to use regulations to change resource management plans, where it can be demonstrated that existing provisions are having negative impacts on economic growth, development capacity or employment. The decision is to be based on a recommendation from the Minister for the Environment, which in turn is to be informed by an investigation report.

Environment Southland has requested changes to its Proposed Southland Water and Land Plan, in three areas:

1. Making changes to Farm Environmental Management Plan requirements.
2. Enabling the protection of structures in river beds.
3. Making changes to plan provisions related to “positive actions” – wetlands, sediment traps and land drainage discharges.

This investigation report, by Environment Matters Limited, reviews the proposed changes and is informed by a report on economic impacts, prepared by Property Economics Limited. It is also informed by conversations and additional document exchanges with Environment Southland staff members and its planning consultant, Incite Limited.

Regarding economic effects, we consider that:

1. The existing Farm Environmental Management Plan requirements have a negative impact on economic development, which is addressed through the proposed changes.
2. The enabling of structure protection in riverbeds has a potential economic benefit and the existing situation has a negative one.
3. It does not appear that the existing situation regarding the positive actions is having a clear negative economic impact.

In addition to economics, it is also necessary to consider Treaty of Waitangi and other statute and related matters, and national instruments. No issues have been identified in those areas.

Our conclusion is that given the information available, the Minister could recommend making the proposed structure protection and farm plan changes, but not those related to positive actions.



1 Introduction

Changes to the Resource Management Act (RMA) in 2025 introduced a new process for amending policy statements or plans. This process allows the Governor General, on the recommendation of the Minister for the Environment (now delegated to the Minister for RMA Reform), to make regulations to modify or remove provisions that negatively impact on economic growth, development capacity or employment.

The process prescribed in the RMA¹ includes safeguards to ensure that regulations are made responsibly and only when needed. Guidance² from the Ministry for the Environment (the Ministry) states that this power is for limited use when local processes aren't delivering on national priorities. It provides a quicker alternative to the normal RMA plan change process, which can be slow and costly.

Environment Southland (ES or Council) has requested³ that the Minister uses this process to modify operative provisions of the proposed Southland Water and Land Plan (the Plan). The request addresses provisions under the following three topics:

1. Better aligning the requirements for farm plans to the recently amended Resource Management (Freshwater Farm Plans) Regulations 2023.
2. Enabling the removal of gravel for protection purposes where it poses a threat to infrastructure such as bridges and flood protection structures.
3. Enabling the construction of wetlands and other physical mitigations to improve water quality ("positive actions").

Environment Matters Limited has been engaged to investigate and report on the proposed changes requested by ES. This report is part of the process prescribed by the RMA; it evaluates the changes to provisions proposed by ES against the RMA requirements and recommends where amendments to provisions are appropriate.

2 Approach to this investigation

2.1 The statutory process

Regulations to modify or remove provisions in a policy statement or plan can be made where the Minister is satisfied that the provisions have a negative impact on economic growth, development capacity, or employment (and additional criteria are met).

To assist our investigation, the Ministry commissioned Property Economics Limited to prepare a report (the Economics Report) determining the economic impacts of the proposed amendments (attached as Appendix 1). This report has been critical to our assessment, and we refer to it in relation to each of the three sets of provision changes.

¹ Sections 360I to 360O of the RMA.

² [Regulation-making power to alter local authority plans and policy statements | Ministry for the Environment](#)

³ Letter from ES to Ministry for the Environment ref A1400531, 15 January 2026



The RMA also requires us to assess the provisions against three other criteria, which provide additional safeguards⁴:

1. The provisions have not been included in the Plan in recognition of an obligation or right under a Treaty of Waitangi settlement, the Marine and Coastal (Takutai Moana) Act 2011, the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or a mana whakahono ā rohe or joint management agreement under the RMA. In this report, these are collectively referred to as “Treaty matters”.
2. Changes to provisions cannot prevent the Plan from giving effect to a national policy statement.
3. Changes to provisions cannot make the plan inconsistent with a national environmental standard.

This investigation is one step in the statutory process to developing a regulation. After the investigation report is prepared, the following steps are required:

1. The investigation report must be provided to the Council for response and made publicly available. The Council has 20 working days to respond.
2. The Minister must consult parties who are likely to be affected by any modifications or removal of provisions recommended by the investigation report.
3. The Minister must consider the Council’s response and the feedback from consultation before recommending regulations to change the Plan.
4. If regulations are made, the Council must give public notice of the changes to the Plan and update the Plan accordingly.

2.2 Our approach

The request from ES was accompanied by an explanatory document⁵ (the Explanation) which provides the reasons and background for the proposed changes, an assessment against the RMA requirements, and proposed amendments to Plan provisions. The Explanation is attached to this report as Appendix 2. Reviewing this document and the relevant RMA provisions were the starting point for our investigation. We then proceeded in the following way.

1. Assemble and review relevant background material, including:
 - The partially operative Plan;
 - The Resource Management (Freshwater Farm Plans) Regulations 2023 (Farm Plan Regulations), including the scope of recent amendments;
 - Relevant parts from the Plan decision making process, including the Plan decision and subsequent Environment Court decisions.
2. Meet with ES staff and lead planning consultant (a summary of meetings is provided in the following table).

⁴ Section 360I (2)(c) of the RMA

⁵ “Explanatory content for the Proposed Southland Land and Water Plan Modifications” prepared by ES – main document undated, but appendices dated 3 November 2025



Table 1: Summary of meetings

Date	Participants	Topic
11 March	MfE ES Planning Incite Limited	Initial discussion of background to requests, initial questions to ES, and ES staff contacts
12 March	ES Consents ES Planning	Potential consents implications of proposed changes
16 March	ES Strategic Programmes	Strategic implications
16 March	Incite Limited	Planning background
18 March	ES Planning	Discuss NESF implications
25 March	ES Consents	Discuss consents implementation views

3. These meetings resulted in the provision of additional information/clarification as summarised in the following table.

Table 2: Summary of key documents

Date provided	Source	Content
31 March	ES Planning	Evaluation of requested changes in relation to NES-F
8 April	Incite Limited	Assessments of treaty matters and NPSs
8 April	Incite Limited	Revised Plan Modification Text April 2026 (attached to this report as Appendix 3)

4. In addition to the above, informal input was provided in the form of:
- Written comments on provision wording from the ES Consents Section
 - Written comments on the workability of the proposed amendments from the Catchment Operations Section, including a Powerpoint presentation regarding a case study of the Tomogalek Bridge, Southland. This illustrated some of the complexities in projects to which the proposed amendments would apply.

All of this information has informed our findings. We recognise that the Plan has considerable history and that we have not reviewed all documents relevant to the three topics for which amendments to provisions are sought.

The scope and timing of our engagement has meant that we have not been able to consult with many parties who may be affected by the proposed changes to provisions. The views of affected parties will be sought as part of a consultation process to be run by the Ministry for the Environment. This will take place after the investigation has been conducted, and this investigation report is released to the public.



3 Evaluation of the proposed changes

3.1 Introduction

In this section, we evaluate the proposed changes for each of the three topics against the requirements of the RMA. The proposed changes to provisions are summarised for these discussions, with the final proposed text included in Appendix 3. These discussions are informed by the Economics Report, and the other documents and discussions noted earlier in this report.

Three general topics – Treaty matters, national policy statements and national environmental standards – that appear to be consistent for all of the proposed amendments, are discussed below in sections 3.2 to 3.5.

Section 3.6 discusses rule implementation practicalities, informed by discussions with ES staff. While assessment is not directly required by s 360I of the RMA, implementation is important to the workability of proposed plan provisions, and has potential economic application.

For each of the three main proposal categories, a summary of the changes is provided, followed by ES' stated reasons for them and some discussion. Evaluation is then provided of:

1. Economic implications, largely informed by the Economics Report.
2. Any consequential changes to other Plan provisions.

Finally, a discussion is provided and a recommendation made.

3.2 Treaty matters

In the original proposal, ES addresses⁶ the statutory requirement to consider Treaty matters, stating that:

The current provisions have not been included in the Plan specifically in recognition of an obligation or a right under a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or a Mana Whakahono a Rohe or joint management agreement. The relevant Treaty settlement is the Ngāi Tahu Claims Settlement Act 1998.

Additional detail and clarification was provided by ES' lead planning consultant, Incite Limited, who stated⁷:

...the proposals do not amend objectives and policies that have been developed to implement Te Tiriti obligations. In particular:

- *Rule 66 for works in the beds of rivers and lakes excludes permitted activity works from occurring in taiāpure, nohoanga or mātaihai, given these works have the potential to impact waterbody values.*
- *For Rule 74 for wetlands, permitted activity conditions do not include exclusions, as the wetlands are either already present, or works are not permitted to occur within the beds of lakes or rivers, such that they are unlikely to adversely impact the values of those culturally*

⁶ Section 2 of the Explanation

⁷ Incite Limited – Assessment of Treaty matters and NPSs for Southland Water and Land Plan Potential Modifications
April 2026



significant and sensitive sites. In addition, the works authorised under the permitted activity rules within Rule 74 are primarily for environmental improvement works.

- *Exclusions are not included in Rule 59A for on-farm sediment traps, given this rule only applies to works in intermittent or ephemeral rivers, and not the larger, permanently flowing rivers captured by the types of sites listed above.*
- *The changes to Rule 13 (discharges from drainage systems) are to improve the chapeau of the rule, rather than amend any conditions.*
- *The changes to Appendix N are related to the relationship with the Freshwater Farm Plan regulations, and auditing requirements, rather than the content of farm plans.*
- *The changes do not impact on the ability of the pSWLP to protect taonga species or provide for mahinga kai.*

The Incite document is attached as Appendix 4. We have accepted these statements without reviewing Plan preparation and decision documents. We agree that the Ngāi Tahu Claims Settlement Act 1998 is the relevant Treaty settlement and also note that:

- there does not appear to be a mana whakahono ā rohe or joint management agreement under the RMA prepared in Southland, and
- the Marine and Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 are not relevant to the proposed changes to provisions.

Note that there is a statutory requirement for the Ministry to consult with iwi, hapū, customary marine title groups and protected customary rights groups and groups holding statutory acknowledgement over the affected area who are likely to be affected by any recommended changes to provisions.

3.3 Part 2 of the Resource Management Act

The Ministry's guidance for making regulations also requires that *All actions must comply with the purpose and principles in Part 2 of the RMA.*

Part 2 of the RMA sets out its Purpose and Principles, and we consider that none of the proposals are inconsistent with them.

3.4 National policy statements

National policy statements (NPSs) provide general policy guidance that applies across the country, and several are in force at the moment. The original explanation provided a limited assessment of the proposal against the NPS for Freshwater Management 2020 (the NPSFM). Incite Limited later provided a more detailed review included with that of Treaty matters discussed above (Appendix 4). The review concludes that most current NPSs either are not related to the proposal, or are not affected by it. The Incite review concludes that:

The proposed changes to the pSWLP do not prevent the plan from giving effect to the NPSFM, as permitted activity conditions are included to:

- *To protect the ecosystem health and hydrological functioning of lakes and rivers.*
- *Restrict activities in accordance with Water Conservation Orders.*
- *Mitigate adverse effects on surface water bodies from works in the beds of lakes and rivers.*
- *Ensure that discharges do not adversely affect the quality of the receiving water.*



In addition, a number of the proposed changes are intended to better provide for and enable beneficial activities, including the construction of wetlands and sediment traps, which will help enable communities to provide for their social, economic and cultural wellbeing.

Overall, the proposed changes are considered to be consistent with the NPSFM, noting that the pSWLP was drafted prior to the NPSFM taking effect, such that it does not fully give effect to the NPSFM.

We agree with these observations and do not consider that the proposed changes will prevent the Council from giving effect to an NPS.

3.5 National environmental standards

National environmental standards (NESs) are regulations – again at national level – that include stronger and more specific direction than NPSs, typically including rules. Plans cannot generally be inconsistent with NESs, and the relationship between the two can be complex in detail, particularly when changes are made to plans the pre-date relevant NESs.

In this case, the key NES is that for freshwater (the NESF)⁸ and some fine-tuning of the proposal was required to ensure consistency with it. The recommended rules are attached as Appendix 3 and we consider that these will ensure, as far as we can establish, that the proposal will not make the Plan inconsistent with the NESF.

3.6 Potential implementation issues

In this case, implementation refers to the way that councils use, and how practical this is in real life. The proposed changes have been discussed with staff from ES' Resource Consents section (RC), and some written comments were provided by. Comments were also received from ES' Catchment Operations Section (CO).

3.6.1 Resource Consents section

In general, RC's advice was that the changes would not add substantial – if any – implementation difficulties, and in some cases would ease matters.

However, implementing permitted activity rules generally only becomes difficult when applications are made for certificates of compliance, or formal requests for clarification are made. Comment from RC staff, and our own experience, is that neither of these occur frequently and in general permitted activity rules are “easy” to implement because compliance is largely assumed, rather than formalised. This approach costs no parties financially, at least in the short term, but in the longer term costs may accrue as a result of enforcement action, for example if assumptions about permitted activities turn out to be incorrect.

3.6.2 Catchment Operations Section

The CO section commented that in general, the new Rule 66(c) related to the protection of structures in river beds (discussed in the next section) is likely to reduce the cost of protecting ES' flood banks. However, CO raised a number of concerns regarding the clarity of Rule 66(c). No changes were made to the proposal as a result and we do not think that any of these concerns are critical to this report.

⁸ Resource Management (National Environmental Standards for Freshwater) Regulations 2020



3.7 Farm plans

3.7.1 Summary of proposed changes

Conditions of Rule 20 require that Farm Environmental Management Plans (FEMPs) are prepared and certified, and compliance is audited in accordance with Appendix N of the Plan. Appendix N specifies the requirements for FEMPs and currently reflects the requirements of the Freshwater Farm Plans Regulations 2023 (the Farm Plan Regulations). Changes to Appendix N are proposed such that:

- The Plan FEMP process is consistent with the amended Farm Plan Regulations and Part 9A of the RMA;
- FEMPs continue to be required for properties between 20ha and 50 ha; and
- Farms with FEMPs that comply with Appendix N are permitted activities (if they meet the other conditions of Rule 20(a)).

3.7.2 Reasons for proposed changes

Farm plans are a key tool in the Plan to manage the environmental effects of farming activities, particularly on freshwater. Known in the Plan as Farm Environmental Management Plans (or FEMPs), these require farmers to identify and carry out actions for soil and nutrient management, habitat management in waterways, and other activities that may affect freshwater.

After the Plan was notified, the requirement for certified freshwater farm plans was introduced by Government through changes to the RMA and the introduction of the Farm Plan Regulations. The FEMP provisions in the Plan were appealed and, through this process, the Environment Court ensured that the relevant FEMP provisions were consistent with the requirements in the RMA and Farm Plan Regulations.

At the time, the Freshwater Farm Plans were to apply to all farms over 20 ha in size. This was reflected in the Plan, with Rule 20 and Appendix N requiring FEMPs that meet the requirements of the Farm Plan Regulations. Changes to the Farm Plan Regulations in 2025 increased the applicable farm size from 20 ha to 50 ha, resulting in a disconnect between the Plan and the Regulations.

This is an issue specific to Southland – these requirements are being ‘rolled-out’ region-by-region and Southland is the first region to which they apply⁹. There are approximately 350 rural properties in Southland that are between 20 ha and 50 ha that are affected by the amendments to the Freshwater Farm Plan regulations. Note that properties below 20 ha do not require a FEMP.

Appendix N, as currently worded, is interpreted by ES to only apply to farms to which the Farm Plan Regulations apply. This means that it does not apply to properties between 20 ha and 50 ha, which will require a resource consent as a non-complying activity under Rule 20(c). We accept ES’s interpretation of the Plan provisions and their reasons for the proposed amendments to Appendix N.

⁹ Enacted through the Resource Management (Application of Part 9A—Freshwater Farm Plans: Southland) Order 2024, which came into force on 27 November 2024.



3.7.3 Economic implications

The Economics Report has considered the characteristics of the approximately 350 farms that are between 20 ha and 50 ha. Based on these characteristics, around 40 of these properties are assumed to be non-farming properties. The economic activity associated with the remaining 310 farms is estimated at \$23.7 million. The costs of FEMP requirements are also discussed, with a cost of \$6,000 assumed for each farm.

FEMPs are considered best practice for farming operations and are becoming an accepted cost of farming. We assume that a FEMP would be a requirement of a resource consent, should a consent be required. The economic implications of the existing requirements are therefore the costs of preparing the required consent application documents, the ES consent processing fee, and any ongoing ES consent compliance costs. These costs are estimated at approximately \$3,000 to \$4,000 for each farm, with a total economic cost to these farms estimated at up to approximately \$1.24 million. The Economics Report concludes that:

Taken together, these reductions in operating costs are expected to support improved economic outcomes (either through increased production, increased sustainability or tempering of prices).¹⁰

3.7.4 Consequential changes

We have not identified the need for any consequential changes.

3.7.5 Discussion and conclusion

Recent amendments to the Farm Plan Regulations resulted in resource consents being required for farming activities on properties between 20ha and 50 ha. There is a negative impact on economic growth from this requirement, estimated at \$1.28 million across the 320 affected properties. The recommended amendments to Appendix N of the Plan will require FEMPs to be prepared for these affected properties, but farming activities on these properties will mostly be permitted activities. Making these changes is likely to result in reduced costs for farmers and improved overall economic outcomes.

3.8 Gravel

3.8.1 Summary of proposed changes

Rule 66(a) of the Plan currently permits the maintenance of structures in the beds of water bodies and modified watercourses, along with associated bed disturbance, gravel extraction and discharges.

ES proposes to modify Rule 66 by adding as PAs the protection of the following.

66 (b):

a bridge or culvert providing passage on a railway or public road or protection of pipes or pylons where those pipes or pylons are critical infrastructure.

66 (c):

a flood bank, or a pipe or pylon on land which is critical infrastructure and requires immediate preventative or remedial measures for protection.

¹⁰ Economics Report p 11



ES recommends a substantial number of new rule conditions to accompany these changes.

3.8.2 Reasons for proposed changes

The stated reason for the changes is that the plan does not currently permit these works for structure protection, which requires a resource consent or must be undertaken under the emergency provisions of the RMA.

This statement makes sense, but discussions with some ES staff indicate that the execution of these works can be difficult for a variety of reasons. Therefore, it appears that other factors – not just plan rules – may be impeding maintenance works under the existing rule. Nevertheless, including enabling provisions for other infrastructure is a positive step.

3.8.3 Economic implications

The Explanation and Economics Report both identify issues with the current situation, the main one being that it is difficult to undertake timely works to protect structures when threats are identified. In general it seems that resource consents are needed for these works with associated time and financial costs which can include the indirect cost of deferring or not undertaking important works.

The Explanation concludes that:

Providing for this prevention as a permitted activity, subject to appropriate conditions, will be beneficial for economic growth as fewer resources are required to prevent damage to infrastructure than to repair damaged infrastructure. A clear permitted pathway allows for lower intervention costs, reduced likelihood of emergency responses (which are typically less efficient and more expensive), and supports regional economic stability through reliable infrastructure and reduced risk to downstream communities, farmland, and transport corridors.

On the face of it, these statements are reasonable, and permitting key works on valuable assets should be a positive outcome. However, the proposal material itself does not provide a detailed economic justification.

The Economics Report is based on additional data provided by ES, and uses a case study – the Mataura River railway bridge in Gore – to identify the direct and indirect costs of storm events and the cost of consenting protection works. It identifies substantial potential savings if the mitigation works were to be permitted activities, both by reducing consenting costs and by reducing pressures on structures before events, rather than in response to them. The Economics Report concludes that:

The Mataura River case study provides a clear example of how proactive gravel works can materially lower flood risk to critical infrastructure and surrounding communities. Furthermore, the study demonstrates the high cost of unnecessary delays that leave communities and businesses exposed.

The proposal to remove the consenting requirements for proactive gravel works is therefore likely to have economic benefits for both the public and private sectors within Southland.¹¹

¹¹ Economics Report p 8



3.8.4 Consequential changes

We have not identified any need for consequential changes (for example to other rules, or policies in the Plan) as a result of this proposal.

3.8.5 Discussion and conclusion

We agree that the proposed changes are likely to ease consenting requirements for structure protection, and the Economics Report concludes that the proposal will have economic benefits compared with the current situation. However, this relies primarily on the single case study; therefore, while the conclusions are intuitively reasonable they could be more strongly supported.

In combination with our earlier comments about Treaty matters and national instruments, we conclude that the proposed changes are consistent with the relevant requirements of the RMA.

3.9 Positive actions

In this section, we describe the three positive actions separately and then discuss the economic implications for all three in one section. This is mainly because the Economics Report addresses all of the positive actions in one discussion.

3.9.1 Wetlands

Summary of proposed changes

Rule 74 (a) of the Plan permits the use of land in a wetland for the maintenance of structures, and removing plants for mahinga kai, subject to conditions. Rules 74(b) and (c) are rules that follow on from that permitted activity status and require consent if conditions are breached.

ES proposes to modify Rule 74 by:

1. Widening Rules 74 (a) to (c) to include the disturbance of the bed of a waterbody in a wetland, and incidental sediment discharges.
2. Adding to Rule 74(a) activities that can be undertaken in wetlands as permitted activities, (wetland maintenance, restoration, delineation or monitoring) with additional conditions.
3. Adding a new Rule 74(d) permitting the construction and operation of constructed wetlands, with associated conditions, many of which manage the potential interaction between the constructed wetland and existing natural wetlands.
4. Adding a new Rule 74(e) that requires a consent if the above rule cannot be complied with.
5. Adding three new wetland-related definitions.

Reasons for proposed changes

The stated reason for the changes is that the existing rule is too narrow to encompass all works necessary for wetland restoration, and does not include wetland construction. The Explanation goes on to state that the changes enable all requirements for wetland works to be in a “one stop shop”.

The Explanation states that the situation at the moment is having a negative economic impact because it requires resource consents for potentially beneficial activities, which is seen as a deterrent when the community is engaged and the effects largely positive. Consenting costs are identified as including processing costs and the engagement of consultants. The Explanation also identifies wetlands and the other “positive actions” as being cost effective methods to reduce nutrient loss and sediment discharges from farming activities.



As with the changes to Rule 66, these statements seem reasonable, but are not supported very well in the Explanation, so it is hard to tell if the existing situation is creating real costs that the proposal will reduce.

3.9.2 On-farm sediment traps

Summary of proposed changes

Rule 59A of the Plan relates to physical works on and associated discharges from sediment traps in the beds of intermittent or ephemeral rivers. Rule 59A(a) makes these activities permitted, and Rule 59A(b) relates to consent requirements in the event of non-compliance with 59(a).

The proposal is to:

1. Add a new rule 59A(c), permitting the damming of water and associated diversions and discharges to land via an overflow or spillway.
2. Add a new Rule 59A(d) requiring consents if the above rule cannot be complied with.

Reasons for proposed changes

The stated reason for the changes is that the existing rule does not permit a potentially beneficial activity. Sediment traps are described as being cost effective mitigation solutions for nutrient loss and sediment discharges from farming activities.

As with the wetland rules, the current situation is described in the Explanation as having a negative economic impact because resource consents – with associated costs – are required for potentially beneficial activities.

The proposed changes are relatively simple and enable some additional activities, related to ones already permitted, which could result in lower costs for the operators of sediment traps.

3.9.3 Subsurface drainage systems

Summary of proposed changes

Rule 13(a) of the Plan permits the discharge of land drainage water to water from an on-farm subsurface drainage system, subject to conditions. The proposal is to add the following to this rule:

or the discharge of land drainage water to water through a treatment facility or device designed to improve the quality of the discharge

A consequential change to include that wording in Rule 13(b), which requires a resource consent if the conditions of the permitted activity rule are breached, is also proposed.

Reasons for proposed changes

The reason for this proposal is that the Plan does not permit that use of treatment devices such as wood chip filters before the water is discharged, and including the change gives certainty to Plan users.

The proposed change does not seem to make the existing rule more enabling. Currently, Rule 13(a) allows the discharge of any land drainage water as long as it meets the requirements of its conditions. On the face of it, discharging treated land drainage water should still be permitted by this rule. However, the proposal provides some clarity, and ES consents staff indicate that it is unlikely to make matters worse.



3.9.4 Economic implications

The Economics Report makes combined conclusions about all three of the proposed positive actions. It considers that the main benefits from all three of the positive actions are largely environmental rather than economic, but it describes two main economic aspects to the current situation:

- If it is reducing the propensity of organisations to take these measures, when doing them would have economic benefits, and
- If it is leading to more cost, when an organisation is required to use these methods to reduce environmental impacts.

The Economics Report is not able to make a clear conclusion about either of these. Based on available information, it states that in terms of people's propensity to do things:

...if the existing consenting pathway remains available, the introduction of an alternative permitted pathway would not be expected to reduce the propensity for positive actions to occur. At worst, behaviour would remain unchanged.

However, if the final provisions provide a genuinely streamlined and lower-cost pathway, there is potential for an increase in the uptake of positive actions and associated economic activity.

The magnitude of any such benefits is, however, uncertain and cannot be robustly quantified on the basis of the information currently available.¹²

In terms of reducing the cost of mitigation requirements, the Economics Report states that:

Accordingly, our economic conclusion is consistent with that reached in relation to volunteer positive actions above. Provided the existing consenting pathways remain available, the proposed changes do not impose additional costs. At the same time, to the extent that they reduce consenting costs and barriers, then this has a positive effect of lowering the regulatory burden on farmers and organisations and improve the efficiency of mitigation decisions.¹³

The discussions in the Economics Report, and the above conclusions indicate to us that with the information available to us an Property Economics Limited the current situation cannot be shown to be having a negative economic effect.

3.9.5 Consequential changes

We have not identified the need for any consequential changes.

3.9.6 Discussion and conclusion

On the face of it, the proposed changes to rules about sediment traps and land drainage discharges appear to reduce consent requirements and make it easier (and cheaper) to install and use these systems. The changes to the wetland rules are less clear cut and, given their complexity may not make it easier for people or organisations to make the gains they want.

¹² Economics Report p 14-15

¹³ Economics Report, p 16



However, the Economics Report does not find that positive economic gains can be proven. It appears that the minimum effect that the changes would have is to ensure that it is no more difficult to make these positive actions after the changes than before.

We consider that given the information available, the proposals do not show that the current provisions are having (as worded in s360I of the RMA):

a negative impact on economic growth, development capacity, or employment

However, the other requirements related to Treaty matters and national instruments are met. As it stands, we consider that these proposals would be more suited to a plan change. More robust economic assessment by the Council could change this position.

4 Overall conclusion

With regard to the requirements of s 360I(2) (b) and (c) of the RMA, we make the following conclusions about the proposed changes to the plan (as attached in Appendix 3).

1. Those regarding FEMPs are consistent with those requirements and the Minister could recommend that the changes be made.
2. Those regarding the protection of structures are consistent with those requirements and the Minister could recommend that the changes be made.
3. Those regarding positive actions are not sufficiently well supported with an economic assessment to be sure that the minister could recommend that the changes be made.

PROPERTY **E**CONOMICS



ENVIRONMENT SOUTHLAND

WATER AND LAND PLAN

ECONOMIC OVERVIEW

Client: Ministry for the Environment

Project No: 52596

Date: August 2026



SCHEDULE

Code	Date	Information / Comments	Project Leader
52596.9	Aug 2026	Report	Phil Osborne / Tim Heath

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1. INTRODUCTION

Environment Southland Regional Council has made a formal request to the Ministry for the Environment to exercise powers under section 360I to modify provisions in the Southland Water and Land Plan. There are three different areas of modification requested:

- Enable the removal of gravel from riverbeds to enable the protection of infrastructure.
- Simplify the process for farmers obtaining consent to continue existing farming operations under the new provisions.
- Removing the planning consent barriers to farmers seeking to construct wetlands or other physical mitigation options to improve water quality.

Under Section 360I of the Resource Management Act, the Minister may modify regional and local authority plans where the provisions have a negative impact on economic growth, development capacity and employment. The purpose of our assessment is to consider the potential economic impacts of the proposed amendments against these requirements.

2. GRAVEL EXTRACTION

Currently, the plan permits the extraction of gravel for maintenance but provides no provision to enable the protection of infrastructure assets from natural events. This means either a council must first obtain a resource consent to enable this protection or use emergency powers in a more limited number of circumstances.

The practical effect of this requirement is that it places a barrier between identification and action, delaying the implementation of necessary protection works. While the emergency powers allow the council to act in more limited circumstances, these are considered insufficient in situations where multiple assets are at risk, or where the timeframe between identifying an imminent threat and the event occurring is short.

2.1. CASE STUDY: MATAURA RIVER

To demonstrate the potential benefits of the proposed changes, we consider the case study of a railway bridge over the Mataura River in Gore.

Recent hydraulic modelling identifies the railway bridge as the primary hydraulic constraint during high-flow events. This constraint creates a backwater effect that interacts with the adjacent road bridge, contributing to overtopping of floodbanks and widespread flooding within Gore under a 2% AEP (Annual Exceedance Probability) event.

This issue has developed progressively over time due to channel narrowing associated with gravel deposition and vegetation encroachment.

The economic cost of a flood event is substantial. The capital value of the Council's infrastructure assets exposed to this risk is estimated at approximately \$750 million. However, the flood risk is not limited to the railway bridge itself but contributes to wider flood risk across Gore township. Consequently, there is also a significant risk to private residential, commercial and industrial buildings.

In order to evaluate the cost of a flood event, we examine the impacts of the February 2020 floods in Southland, Fiordland and Clutha, which forced the evacuation of 2,400 residents from Gore, and a further 1,500 residents from the Mataura township downstream¹. Reported peak flows from this event are broadly consistent with a flood of approximately 2% AEP, meaning an event of this magnitude or greater has a 2% chance of occurring in any given year. This is also commonly referred to as a “1-in-50-year” event. The observed impacts of this flood therefore provide a useful benchmark for understanding the potential scale of economic and physical impacts associated with events of a similar magnitude².

The starting point for assessing the economic impact of this flood event is the value of insurance payouts, which were reportedly \$29.6 million³. However, this only represents a portion of total losses as it excludes uninsured damage and infrastructure repair costs.

NZIER reported on the economics of flood risk mitigation to the Wellington Regional Council in 2024⁴. They note that the Insurance Council of NZ has estimated between 25% and 40% of property is under-insured. This suggests that a more accurate estimate of the direct impact of the aforementioned flood event could have been anywhere from \$39m to \$49m.

Additionally, the Toka Tū Ake EQC provides national insurance cover for damage to land not otherwise covered. While Southland-specific data is not available, evidence from the 2023 flood events indicates that EQC payouts represented approximately 8% of private insurance claims.

¹ [February 4, 2020 - the day the Mataura River got 'angry' | Stuff](#)

² [Mataura River](#) (pg 46)

³ [COST OF SOUTHLAND FEBRUARY FLOODS GROWS TO \\$29.6M TO SUPPORT CUSTOMER RECOVERY - ICNZ | Insurance Council of New Zealand](#)

⁴ [Economic appraisal of flood risk mitigation programmes](#)

Indirect Impacts

In addition to the direct infrastructure and property damage, flooding events have other economic costs, which include:

- **Business disruption and loss of economic output:** Flooding can interrupt normal business operations through physical damage, loss of access, or supply chain disruption, as highlighted by the forced evacuations.

This can lead to lost production, reduced trading activity, and delayed projects, with flow-on effects across the local and regional economy. In some cases, these losses may exceed the direct repair costs, particularly where key infrastructure is affected.

- **Transport and network disruption:** Damage to road and rail networks resulting in temporary or permanent closures, can significantly disrupt the movement of goods and people. The rail bridge across the Mataura River forms part of the Main South Line, a key freight corridor linking Invercargill with Dunedin and the wider South Island rail network, including access to export ports.

Disruption to this link would therefore disrupt regional supply chains, increase transport costs, and reduce the efficiency of exporting key Southland primary products (assuming the roading network has not also been closed off).

In the 2020 Southland Floods highlighted above, the main piece of infrastructure directly affected was not around the Mataura River, but rather Milford Road SH94, which cost an estimated \$9m to repair over the following 12 months.

- **Impacts on primary production:** For rural areas, flooding can damage pasture, reduce productive capacity, and disrupt farm operations. Stock losses, reduced growth rates, and delays to planting or harvesting can all reduce farm income, with recovery often taking multiple seasons depending on the severity of the event.
- **Emergency response and recovery costs:** Flood events require substantial public and private expenditure on emergency response, including civil defence operations, temporary accommodation, and immediate recovery efforts. These costs are typically borne by a combination of central and local government, insurers, and affected individuals.
- **Wider economic and social impacts:** In addition to the immediate impacts, flood risk can lead to reduced local investment, affecting employment growth. There may also be longer-term effects on property values and insurance availability.

As highlighted by the NZIER report, research on the extent of indirect impacts varies. Deloitte Access Economics, in their assessment of the economic costs of natural disasters in Australia⁵, attributed the cost of floods at 35% to (direct) property damage, 28% to other (indirect) financial

⁵ [Special report - Update to the economic costs of natural disasters in Australia.pdf](#)

costs and 37% to (intangible) social costs. Excluding intangible impacts, this research suggests that indirect financial costs are equivalent to approximately 80% of direct property damage costs.

Likewise, research from the United Kingdom ⁶ suggests that indirect damages associated with emergency response, risk to life, and impacts on infrastructure, transport, and community services may be in the order of 70% of direct damage costs.

Combined, this suggests the total direct and indirect financial cost of the 2020 Southland Flood Event was between \$72m - \$92m.

It should be highlighted that not all of this expense is attributable to Gore and the area that would benefit from the proposed works. The Southland flooding event affected a wide geographic area across the region, including multiple river catchments and urban and rural communities.

Notwithstanding this, a substantial proportion of evacuees (nearly 50%) were from Gore, indicating that it was one of the primary urban areas affected. On that basis, it has been assumed that Gore accounts for a material share of total regional losses. For the purposes of this analysis, a central attribution of 30% of total costs or approximately \$25m to the Gore area has been adopted for indicative scenario testing.

Economic Cost of Current Planning Provisions

In order to reduce this flood risk, Environment Southland has proposed targeted channel widening and gravel management at and downstream from the bridges. Modelling demonstrates that this type of intervention can:

- Increase flood conveyance capacity by approximately 13% (~270 m³/s)
- Reduce peak water levels through the bridge reach and the township
- Reduce flood depths in residential areas by at least 0.3 m in the case of a 1% AEP flood event

While the current contract value for these works is relatively modest (approximately \$700,000–\$800,000), the consenting process has increased costs by approximately \$120,000 (around 17%) and delayed implementation by around 10 months, extending the period over which the underlying risk remains unaddressed.

To illustrate the economic implications of this delay, we estimated the expected flood-related loss associated with the additional 10-month period of exposure. This requires combining the estimated cost of a flood event with the probability of such an event occurring during the delay period.

⁶ [Appendix-F-The-Future-Flood-Explorer-Overview-Final-06 Oct 2015.pdf](#) (pg. 18)

As a starting point, the estimated \$25 million cost attributable to Gore from the 2020 flood event is adjusted to reflect current construction and repair costs. According to the Cordell Construction Cost Index, construction costs have increased by approximately 25% since 2020, increasing the estimated cost of an equivalent flood event to approximately \$31 million in current terms.

It is also necessary to consider the potential for more extreme flood events. As noted above, the 2020 flood was estimated to be broadly equivalent to a 2% Annual Exceedance Probability (AEP) event, meaning there is a 2% chance in any given year of a flood of this magnitude or greater occurring. This 2% probability includes both events of a similar magnitude to the 2020 flood and more severe events. For the purposes of this assessment, we divide this probability into two bands. Events falling between the 2% and 1% AEP thresholds are assumed to have a 1% annual probability, with an average cost equivalent to that estimated for the 2020 flood. Events at or beyond the 1% AEP threshold are treated as a separate, more severe category, also with an annual probability of approximately 1%.

Such events are materially more severe and would be expected to expose a larger share of Gore's asset base—estimated at approximately \$750 million—to damage. In addition, repeated flood events can result in cumulative degradation, increasing maintenance requirements and reducing the effective lifespan of infrastructure assets.

In the absence of event-specific damage data for a 1% AEP flood, a simplifying assumption has been adopted that losses will be approximately double (\$62m) those observed during the 2020 Flood event. Realistically, as flood damage is non-linear, the impacts are likely higher than this.

Applying these assumptions using a simplified piecewise approximation of expected annual damage, the expected loss attributable to the Gore area over a 10-month delay period is estimated at approximately \$775,000⁷.

By contrast, if the proposed mitigation works had been implemented prior to such an event, the resulting reduction in flood probability and/or severity is estimated to reduce damages by approximately 10% to 30%. This equates to avoided losses in the order of \$78,000 to \$232,000 when expressed in current cost terms.

The expected construction duration is 4 months, and while emergency works could be undertaken reactively over a shorter timeframe, this would involve greater network disruption and construction costs. Moreover, there is no guarantee that the Council would have sufficient warning to undertake these works prior to an event occurring.

In summary, if it is assumed that the proposed changes will remove the consenting requirement entirely such that Council would have saved \$120,000 and accelerated works by 10 months, then the economic loss attributable to the current planning provisions for the Mataura River case study is estimated to be in the order of \$200,000 - \$350,000.

⁷ Calculation: $(\$31\text{million} \times 1\% \text{ probability} + \$62\text{million} \times 1\% \text{ probability}) \times 10 \text{ months} / 12 \text{ months} = \$775,000$

2.2. WIDER IMPACTS

The Mataura River case study provides a clear example of how proactive gravel works can materially lower flood risk to critical infrastructure and surrounding communities. Furthermore, the study demonstrates the high cost of unnecessary delays that leave communities and businesses exposed.

The proposal to remove the consenting requirements for proactive gravel works is therefore likely to have economic benefits for both the public and private sectors within Southland.

3. FARM PLANS

The Resource Management (Freshwater Farm Plans) Regulations 2023 set out the requirements for farms above specified thresholds (including farms over 20 hectares in pastoral or arable use) to prepare and implement a Freshwater Farm Plan. This plan must identify the key risks a farming operation poses to freshwater—such as nutrient loss, sediment runoff, and stock access to waterways—and set out the actions the farmer will take to mitigate those effects.

3.1. AFFECTED PROPERTIES

Approximately 350 rural properties between 20 ha and 50 ha in Southland are expected to be affected by the proposed amendments. Of these, around 40 are classified as “unknown rural activities” and, for the purposes of this analysis, are assumed to be non-farming properties.

The remaining properties are predominantly sheep and beef farms, with a broadly even split between dairy and deer operations, and only a small number (four properties) in arable or horticultural use.

TABLE 1: SUMMARY OF AFFECTED RURAL PROPERTIES

Type	No. Farms	Total Land Area (ha)	Economic Activity (\$)
Dairy	26	953	\$ 8,100,000
Sheep and Beef	252	7,924	\$ 11,900,000
Deer	27	923	\$ 2,300,000
Arable / Hort	4	145	\$ 1,400,000
Productive Total	309	9,945	\$ 23,700,000
Unknown rural	40	1,344	0

Source: Southland Regional Council, Property Economics

These properties are summarised in Table 1, which presents the number of farms, total land area, estimated total productive output, and average revenue per farm. The revenue assumptions have been informed by industry benchmarking sources, including DairyNZ Economic Survey⁸ and Beef + Lamb NZ farm survey data⁹.

Revenue estimates for arable and horticultural land uses are inherently sensitive to crop type, which is not specified in the available data. Accordingly, a conservative assumption of \$10,000 per hectare of revenue has been applied.

Based on these assumptions, the total economic activity associated with these farms is estimated at \$23.7m per annum.

⁸ Dairy Revenue is assumed at \$8,500 per ha [Dairynz-economic-survey-2023-24.pdf](#)

⁹ Sheep and Beef Farm revenue is estimated at \$1,500 per ha [Profitability Calculator | Beef + Lamb NZ](#)

The current implementation of the Southland Regional Plan makes farming a non-complying activity, thereby requiring farmers to obtain consent to continue operating. This policy means that existing farmers would be in breach of the regional council rules until their consent is processed and, in theory, would be subject to cessation.

Theoretically, this puts the total economic value of these farms at risk; however, such enforcement is highly unlikely to be pursued by the Council in practice unless a farm operator refuses to engage with the process entirely.

3.2. IMPACT OF CURRENT PLANNING PROVISIONS

Although the intent of the provisions is to achieve improved environmental outcomes, the consenting framework and associated Freshwater Farm Plan requirements impose both administrative burden and direct financial costs on farmers. These costs arise from two primary components:

- the council and planning costs associated with a non-complying consent application, estimated at approximately \$3,000 to \$4,000; and
- the preparation, certification, and ongoing auditing of the Freshwater Farm Plan itself.

According to the Ministry's Regulatory Impact statement¹⁰, the cost of preparing, certifying, and auditing a Freshwater Farm Plan is estimated to range from approximately \$2,500 to \$15,000 per farm, with an average cost of around \$6,000.

This estimate is broadly supported by case study evidence¹¹ published in the Journal of the New Zealand Grassland Association, which assessed a freshwater farm plan for an 820-hectare dry stock farm in the Waipā River catchment. The study found that the plan required approximately 45 hours of development time and 8 hours of certification time, equating to costs of \$6,750 and \$1,200, respectively (at a rate of \$150 per hour), or approximately \$8,000 in total.

Property Economics would expect farm plans for smaller properties (e.g. 20–50 hectares) to be materially less complex than the 820-hectare case study. Similarly, given these farms are smaller than average, the indicative cost of \$6,000 is likely to represent an upper-bound estimate. Based on an average \$6,000 per farm plan and \$4,000 consenting process assumptions, the total economic burden the current provisions potentially impose on the 309 farms between 20 – 50ha is estimated at \$3.09m.

The cost of farming has increased in recent years as additional regulations have been introduced to mitigate environmental impacts. Although individually these costs may be small, they collectively reduce New Zealand farmers' competitiveness on the global stage.

¹⁰ [Regulatory Impact Statement Template](#)

¹¹ [Implementing Freshwater Farm Plans - A drystock case study | Journal of New Zealand Grasslands](#)

Moreover, individual farmers have limited ability to pass these costs through to consumers, given their relatively weak bargaining position within the supply chain. Additionally, it is important to consider the impact at the individual farm level. As shown in the table above, over 80% of the farms are sheep and beef operations, which are typically characterised by relatively low productivity and revenue streams. It is these operators whose costs are disproportionately affected by the planning requirements relative to other more intensive farm types.

3.3. BENEFIT OF PROPOSED CHANGES

The proposed additions seek to address inefficiencies in the current provisions and reduce the burden on mid-sized farmers. The biggest change is the removal of the consent requirement, which will potentially save farmers over \$1.2m. The changes to the farm plans are more focused; farmers will still be required to implement them, however the proposed changes seek to improve and streamline the process.

Although the resulting net benefit of these changes is more difficult to quantify, the overall effect is expected to be a reduction in costs, with no material offsetting economic costs.

Taken together, these reductions in operating costs are expected to support improved economic outcomes (either through increased production, increased sustainability or tempering of prices).

4. POSITIVE ACTIONS

It is important to outline at the outset that the majority of potential benefits associated with the proposed positive actions, i.e. construction of wetlands or other physical mitigations, are predominantly environmental, and not economic. Unless a causal link can be established between the potential environmental damage and economic impacts, for example through reduced long-term productivity or tourism.

Nevertheless, there are two interrelated costs associated with the current planning provisions.

1. Reduction in the propensity for organisations to undertake associated positive actions where doing so would generate economic activity.
2. Increased cost of mitigation options available to organisations required to mitigate environmental effects.

The distinction between these effects is important. Where “positive actions” are undertaken voluntarily, the associated expenditure represents economic activity that is assumed to be value-adding to the decision-maker, and is therefore treated as a benefit.

In contrast, where the same actions are undertaken to meet regulatory requirements, the associated expenditure represents a compliance cost. In this case, resources are being directed toward activities that would not otherwise be undertaken (representing an increase in operational costs) and therefore reflect a reduction in economic welfare rather than a benefit.

4.1. POSITIVE ACTION PROPENSITY

Positive environmental actions are increasingly becoming a focus for landowners, driven by participation in catchment groups, heightened awareness, and the dissemination of information by industry bodies and environmental organisations. However, the current consenting requirements may be limiting the participation rate, resulting in a reduction in economic activity (among more significant environmental and social benefits).

To assess the propensity for these positive actions to occur, we first examine the pattern and characteristics of consents that have been granted under the existing framework.

Environment Southland Regional Council have provided Property Economics with a list of all applications involving Wetlands since 2021. Of the 10 consent applications, six of them involved the disturbance of Wetlands for other purposes (e.g. construction of a boardwalk by Fiordland Trails Trust), while only four of the consents were for the purpose of ecological enhancements.

One of these was undertaken by the Department of Conservation, while the remaining three were undertaken by Fulton Hogan (whose revenue exceeds \$6.45 billion), Greenbriar Limited (a mining and resources company) and Lowburn Hof Limited, which is understood to be a major farming company.

Based on the information provided it is not clear whether these consents were undertaken voluntarily in some capacity, or part of a required mitigation strategy.

Regardless, the fact that only larger entities appear willing to apply for wetland consents is, in all likelihood, a reflection of the scale and structure of both the projects construction and the associated consenting costs. These applications are typically processed as Discretionary or Non-Complying activities, which introduces a higher level of complexity, uncertainty, and evidential burden than permitted or controlled activities.

This evidential burden generally necessitates the engagement of a range of specialist inputs, including planning consultants, legal advisors, and environmental experts (e.g. ecologists, hydrologists, and engineers). In some cases, applications may also require detailed technical assessments, responses to submissions, as well as potential participation in hearings. Collectively, these requirements can result in substantial upfront costs, as well as ongoing time and resource commitments.

For larger organisations, these costs can typically be absorbed within broader project budgets or justified as part of wider capital works programmes, where consenting is one component of a larger investment decision. In such cases, the organisations are more likely to have in-house experience or established relationships with consultants to manage the process efficiently.

In contrast, for the majority of smaller organisations, consenting costs represent a significant and often disproportionate expense relative to the scale of the activity being proposed. For farming operations, particularly those operating on relatively modest margins, the prospect of incurring costs in the order of tens of thousands of dollars, combined with uncertainty around outcomes and timeframes, can act as a material deterrent. This is especially relevant where the proposed activity is ancillary to the core farming operation or delivers primarily environmental or compliance-related benefits, rather than direct commercial returns.

As a result, the current consenting framework is likely to suppress the uptake of otherwise desirable activities. This is an economic cost insofar as lowering the economic activity that may have otherwise occurred.

4.2. ECONOMIC VALUE OF POSITIVE ACTIONS

In 2022, NIWA¹² prepared for Environment Canterbury an assessment of the relative cost-effectiveness of different intervention methods to reduce Nitrogen and Phosphorus levels near important lakes. The results of this study will be discussed in more detail in the following section, but this report provides useful estimates of the cost of Wetland Construction.

Unsurprisingly, the cost varies depending on the specific conditions and size, but the report estimates the costs of \$236,000/ha for a site less than 1ha and \$120,000/ha for a site greater than 5ha. Although there are additional ongoing maintenance costs (estimated at \$360/ha), the economic activity of this additional spending is offset entirely by the area retired from productive use (estimated at \$378/ha/year for grazing land).

¹² National Institute of Water and Atmospheric research - [NIWA Client report](#)

Overall, the net impact is minimal, so we will look through this effect for our purposes. The result is that each additional voluntary Wetland is estimated to have an economic value of between \$236,000 for a 1ha site to \$600,000 for a larger 5ha site.

Notably, this represents a relatively high cost that is likely to be prohibitive for many smaller organisations and local farmers. There are, however, alternative mitigation options that may be more accessible to a broader range of landowners, such as planting within existing wetland areas rather than constructing new wetlands.

The cost of wetland planting is understood to be in the order of \$85,000 per hectare (including ongoing maintenance). While still material, this is more achievable than full wetland construction. Importantly, for activities of this scale, consenting costs are likely to represent a greater proportion of total project costs, and therefore have a more pronounced effect on the likelihood of uptake.

A similar pattern is evident in relation to sediment traps. The NIWA report includes a single example of a large, engineered sediment trap, with an estimated capital cost of \$370,000 and ongoing maintenance costs of \$82,000 every two years. In contrast, other New Zealand case study evidence¹³ suggests that small-scale sediment traps suitable for on-farm application can be constructed for approximately \$2,000 to \$3,000.

These smaller-scale interventions are more consistent with the financial capacity of local farmers. However, their viability is highly sensitive to the regulatory framework. Where consenting costs approach or exceed the capital cost of the intervention itself, they are likely to act as a significant deterrent, reducing the propensity for such mitigation measures to be undertaken.

4.3. POTENTIAL BENEFIT OF PROPOSED CHANGES

It is important to note that the information provided is insufficient to determine the extent to which voluntary positive actions would occur in the absence of the proposed consenting changes. This limits the ability to quantify the scale of economic activity that may currently be foregone.

In addition, Environment Matters advised Property Economics that the conditions associated with the proposed permitted activity standards may be such that the cost of demonstrating compliance (for example, by obtaining a certificate of compliance) could approach that of obtaining resource consent under the existing framework. To the extent that this is the case, the practical benefits of the permitted pathway may be constrained.

Notwithstanding this, if the existing consenting pathway remains available, the introduction of an alternative permitted pathway would not be expected to reduce the propensity for positive actions to occur. At worst, behaviour would remain unchanged.

¹³ [RPF21 NewGround traps-catch-sediment.pdf](#)

However, if the final provisions provide a genuinely streamlined and lower-cost pathway, there is potential for an increase in the uptake of positive actions and associated economic activity.

The magnitude of any such benefits is, however, uncertain and cannot be robustly quantified on the basis of the information currently available.

4.4. MITIGATION COST EFFICIENCY

The other economic cost associated with the current provisions is the increased cost imposed on farmers and other organisations who are required to mitigate the environmental cost of their activities. In evaluating the extent of this cost, we consider the relative cost-effectiveness of the proposed positive actions.

We rely upon the aforementioned NIWA report as an assessment of the relative cost-effectiveness of intervention methods to reduce Nitrogen and Phosphorus levels in the Canterbury Region. It is important to note that the analysis reflects a range of lake catchments with differing baseline nutrient loads, target reductions, and physical characteristics, all of which influence the relative cost-effectiveness of the various intervention options.

In a similar vein, there is no guarantee that the results are directly transferrable to Southland, where differences in soils, hydrology, and sources of contamination are likely to affect both the suitability and cost-effectiveness of these interventions. Accordingly, the results presented should be interpreted as indicative rather than directly transferable.

Nevertheless, in the absence of Southland-specific data of a comparable nature, the NIWA analysis provides the best available evidence for understanding the relative costs of different mitigation approaches.

The results of the NIWA assessment are presented graphically in Figure 1 (Nitrogen) and Figure 2 (Phosphorus). These figures highlight the substantial variability in the cost-effectiveness of different intervention methods across catchments.

In general terms, constructed wetlands appear to be more cost-effective than certain alternatives, such as improved nitrogen use and stock exclusion, which tend to exhibit higher costs per unit of reduction. By contrast, measures such as removing cattle from winter grazing or reducing cattle numbers in autumn are identified as among the most cost-effective options for both nitrogen and phosphorus mitigation.

However, the applicability of these lower-cost measures is not universal. Their effectiveness is often contingent on farm system characteristics, stocking regimes, and the scale of reduction required. In particular, where substantial reductions are needed, these measures may be insufficient on their own to achieve target nutrient levels, necessitating the adoption of additional or more capital-intensive interventions.

In this context, wetland construction represents a mitigation option that can be cost-effective under certain circumstances, particularly where site conditions are suitable and larger reductions are required. While the capital cost is higher than many behavioural or

management-based interventions, wetlands can deliver relatively consistent reductions and may form an important component of a broader mitigation strategy.

Similarly, the NIWA assessment includes a single example of a sediment trap, which sits broadly within the mid-range of phosphorus mitigation costs. As discussed above, however, this example reflects a relatively large, engineered structure. Smaller-scale sediment traps—available at a substantially lower cost—may represent a more practical and accessible option for individual farmers, particularly where regulatory requirements do not impose disproportionate additional costs.

4.5. POTENTIAL BENEFIT OF PROPOSED CHANGES

Similar to the assessment of voluntary positive actions, the heterogeneous nature of mitigation effectiveness makes it difficult to robustly quantify the economic costs, and therefore potential benefits, associated with a streamlined consenting pathway. The cost-effectiveness of different mitigation options varies significantly by farm system, site characteristics, and the scale of reduction required.

Notwithstanding this, the available evidence indicates that there is likely to be a material number of farmers and organisations that would benefit from increased flexibility in the choice of mitigation strategies. Theoretically, reducing consenting barriers would expand the set of feasible options, allowing landowners to adopt lower-cost or more appropriate interventions for their specific circumstances.

However, in the absence of data on how the proposed provisions would alter consenting costs, timeframes, and uncertainty, it is difficult to quantify the magnitude of these benefits or the number of actors to whom these benefits could be attributed.

Accordingly, our economic conclusion is consistent with that reached in relation to voluntary positive actions above. Provided the existing consenting pathways remain available, the proposed changes do not impose additional costs. At the same time, to the extent that they reduce consenting costs and barriers, then this has a positive effect of lowering the regulatory burden on farmers and organisations and improve the efficiency of mitigation decisions.

FIGURE 1: SUMMARY OF INTERVENTION METHODS FOR NITROGEN REMOVAL

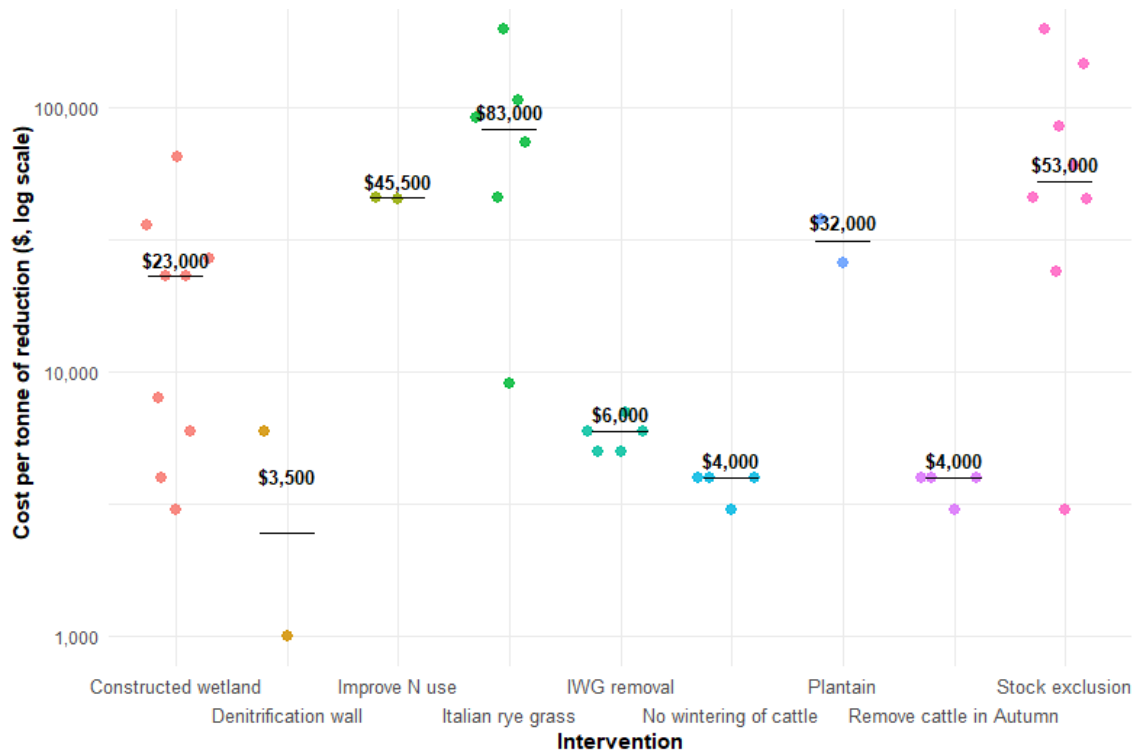
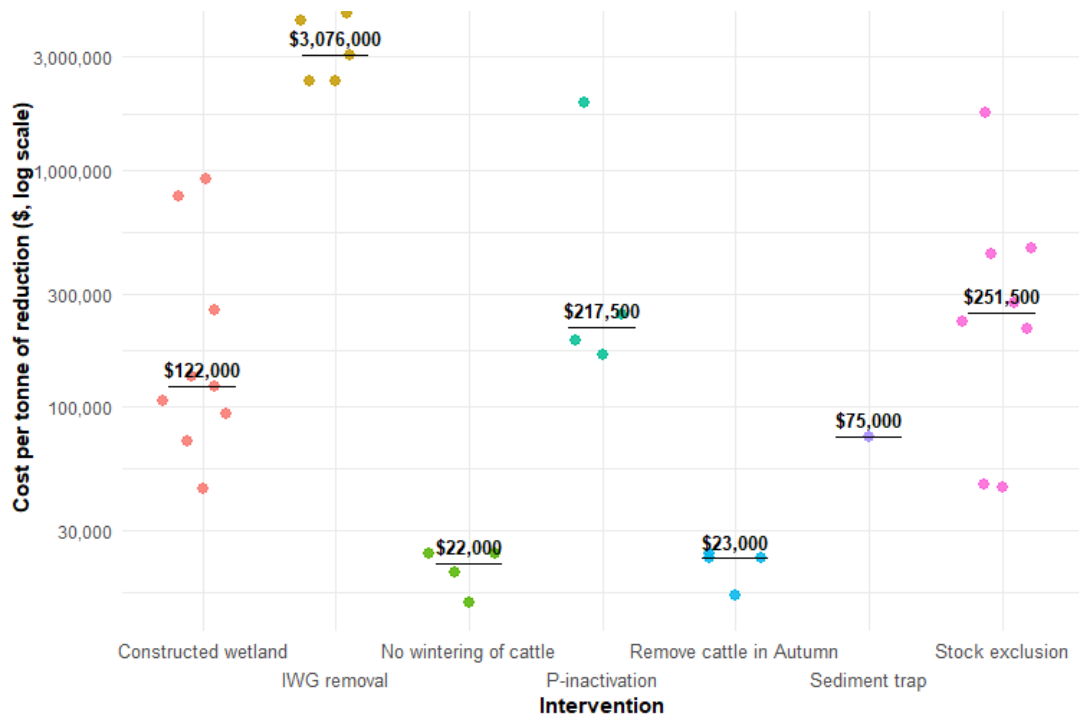


FIGURE 2: SUMMARY OF INTERVENTION METHODS FOR PHOSPHORUS REMOVAL



Source: NIWA data, reproduced and presented in graphical form by Property Economics.

Explanatory content for the proposed Southland Water and Land Plan Modifications

This document provides an assessment of the requested modifications to the partially operative Southland Water and Land Plan (**Plan**) against the requirements of section 360I(2)(b) and (c) of the Resource Management Act 1991. The Minister must be satisfied, before recommending the making of regulations under s360I, that:

- The provisions have a negative impact on economic growth, development capacity, or employment;
- The provisions have not been included in a plan in recognition of an obligation or a right under a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or a Mana Whakahono a Rohe or joint management agreement;
- The modification or removal of the provisions of the plan does not prevent the plan from giving effect to a national policy statement; and
- The modification or removal of the provisions of the plan does not make the plan inconsistent with a national environmental standard.

1. Requested modifications

The requested modifications relate to three topics in the Plan:

1. Gravel removal/disturbance of the beds of rivers to enable protection of infrastructure (modifications to Rule 66)
2. Farm plans (modifications to Appendix N);
3. Positive actions, such as constructed wetlands and other physical mitigations (modifications to Rules 13, 59A, and 74); and

The discussion below sets out the information required for the Minister's assessment. Plan modifications relating to farm plans and positive actions addressed jointly, as part of a package targeted at enabling farming. Gravel sits under a separate heading.

Suggested modifications to plan provisions are detailed in Appendix 1 to this document.

2. High-level assessment against requirements

The requested modifications relate to provisions in the Plan that were made operative in May 2024.

The current provisions in the Plan relating to these topics are considered to have a negative impact on economic growth, and the requested modifications are expected to result in economic benefit for Southland. The current impacts on economic growth and expected results of the requested modifications are addressed in detail below, identifying both direct costs of unnecessary consenting, as well as indirect costs and benefits, and missed economic opportunities under the current Plan provisions.

The current provisions have not been included in the Plan specifically in recognition of an obligation or a right under a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or a Mana Whakahono a

Rohe or joint management agreement. The relevant Treaty settlement is the Ngāi Tahu Claims Settlement Act 1998.

The requested modifications do not prevent the Plan from giving effect to a national policy statement or make the Plan inconsistent with a national environmental standard. However, the National Policy Statement for Freshwater Management is addressed in further detail below (in the context of gravel management) and the National Environmental Standards for Freshwater are also addressed in the context of positive actions relating to wetlands.

Section 67(1) of the RMA requires that a regional plan must state the objectives for the region, the policies to implement the objectives, and the rules (if any) to implement the policies. The current Plan has been developed in accordance with section 67(3), which sets out the documents which a regional plan must give effect to, and section 67(4), which sets out the documents which a regional plan must not be inconsistent with. All of the requested modifications have been drafted to ensure that the rules in the Plan still implement the policies of the Plan to achieve the Plan's objectives. This provides assurance to councillors, mana whenua partners, and the Southland community that the requested modifications to the Plan are not departing from the direction set by the public notification and hearing process.

3. Gravel

3.1 Background

Currently, the only rule in the Plan that permits any gravel extraction is Rule 66, for the maintenance of structures. This rule permits (subject to conditions): "...the maintenance of any structure in, on, under or over the bed of a lake, river, modified watercourse or wetland, and any associated bed disturbance, gravel extraction and discharge resulting from the carrying out of the activity...".

A key condition of this permitted activity rule is that: "any bed disturbance is the minimum necessary to undertake the activity and returned as near as practicable to its original channel shape, area, depth, or gradient on completion of the activity (with the exception of revegetation or where gravel is required to be moved)".

While the rule provides for gravel extraction to occur to allow maintenance of a structure, it does not extend to protection of the structure (i.e., maintaining flow capacity of the water body). This means that resource consent is required, or (where applicable) emergency works must be carried out under section 330 of the RMA in order to undertake gravel extraction in circumstances where that is required in order to protect the structure.

3.2 Do the provisions have a negative impact on Economic Growth, Development Capacity or employment?

Rule 66 does not permit the removal of gravel, other than when connected with the maintenance of a structure. Similarly, gravel extraction and associated bed disturbance activities that assist with controlling flood risk are not provided for in the Plan as a permitted activity.

The requirement for consent to undertake gravel extraction works to protect infrastructure, in circumstances that either do not meet the minimum necessary bed disturbance criteria of the permitted activity rule, or do not yet amount to an emergency such that the Council can

rely on its emergency works powers, means a delay between identifying an issue threatening key infrastructure, and undertaking urgent protection works. While the rule intent is appropriate, its practical application can result in both direct economic costs and indirect but material economic losses through deferred or abandoned works.

Issues can be exacerbated during this timeframe, resulting in more damage from flood events and more costly remedial works. Some of the implications of delays to work may be gravel or sedimentation build up, creating river islands/beaches with gravel locked up in vegetation and silts.

Timing delays in attending to gravel and sediment build-up can mean works missing seasonal low-flow windows, increased flood exposure during winter and spring high flows, and ultimately, escalation from routine gravel management into emergency works.

Providing for this prevention as a permitted activity, subject to appropriate conditions, will be beneficial for economic growth as fewer resources are required to prevent damage to infrastructure than to repair damaged infrastructure. A clear permitted pathway allows for lower intervention costs, reduced likelihood of emergency responses (which are typically less efficient and more expensive), and supports regional economic stability through reliable infrastructure and reduced risk to downstream communities, farmland, and transport corridors.

3.3 Were the provisions being amended included in recognition of an obligation or a right under a Treaty Settlement, Marine and Coastal Area (Takutai Moana) Act 2011, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or a Mana Whakahono a Rohe or joint management agreement?

No.

3.4 Do the modifications prevent the Plan from giving effect to National Direction?

The requested modifications have deliberately been kept narrow in scope to mitigate the risks that works may present. Depending on the circumstances, physical action may be needed over the medium to long term over a wider area (for example, managing gravel further upstream or downstream from the infrastructure). It is appropriate that resource consent is required for physical works over a wider area, to uphold the policy direction of the Plan and to ensure location-specific management of potential effects on other resource users (for example, gravel extractors, or owners of other structures) and on adjacent landowners. Environment Southland is gathering information and changing operational practice to work towards an integrated whole-of-catchment approach to river management and land use, which would support implementation of the Plan as well as assisting with implementing the new National Adaptation Framework. This information and implementation work is expected to support further changes to the rule framework in future.

National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2020 (amended 2024) (NPS-FM) provides particularly relevant direction to the requested modifications. The requested modifications do not prevent the Plan from giving effect to the direction in the NPS-FM. An overview of key direction is set out below:

Objective: The NPS-FM has the sole objective of ensuring that natural and physical resources are managed in accordance with the hierarchy of obligations in Te Mana o te Wai. Policies that are particularly relevant are:

- Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai;
- Policy 2: The loss of river extent and values is avoided to the extent practicable;
- Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted;
- Policy 9: The habitats of indigenous freshwater species are protected;
- Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

Clause 3.24 of the NPS-FM required that a policy be inserted into the Plan, directing that the loss of river extent and values is avoided unless the council is satisfied that there is a functional need for the activity in that location and that the effects of the activity are managed by applying the effects management hierarchy. This has been included in the Plan as Policy 28A – Rivers.

In order to manage the adverse effects of physical works, conditions have been proposed to be put in place to ensure that river extent and values are not lost, and that habitat is protected. These conditions provide assurance that the Plan is not prevented from giving effect to the NPS-FM and include:

- Limits on the distance that works can occur from the infrastructure being protected;
- A requirement that the works do not occur within or alter the hydrological function of a natural wetland;
- Limiting works to the dry bed of the river; and
- Requiring that the bed disturbance is the minimum necessary to undertake the activity, and that where gravel has been removed the bed is contoured to a natural form and gradient.

4. Enabling Farming - Farm plans & positive actions

4.1 Background

4.1.1 Farm Plans

Farm plans are a key tool used in the Southland planning context to work towards the objectives of the Plan, by requiring farm landholders to identify and carry out actions for nutrient and soil management, habitat management in waterways, and manage flood conveyancing activities to safeguard in-stream and riparian habitats, taonga, and mahinga kai resources.

Since the Plan was notified, the Government introduced Regulations requiring the preparation (as well as certification and auditing) of freshwater farm plans (the Resource Management (Freshwater Farm Plans) Regulations 2023). The farm plan requirements in the Plan were appealed, and the Environment Court heard evidence from experts engaged by a range of parties, including council and primary industry, on the benefits and role of farm plans. In its decision, the Court ensured that the certification and audit requirements in the Plan were able to fit with the anticipated freshwater farm plan requirements. Due to recent amendments of the Regulations, there is now a disconnect between the requirements of the

Plan and the Regulations, particularly in terms of how the required farm plans are certified and audited.

One of the immediate consequences of the more recent changes to the RMA is that farmers with landholdings between 20 and 50 hectares in size are now in breach of the rules in the Plan if they do not hold a certified Farm Environment Management Plan (under the Plan). This is because these farmers are now no longer required by the Part 9A of the RMA to hold a freshwater farm plan and so cannot rely on compliance with the Regulations and the Southland-specific Order in Council to also comply with the rules of the Plan. As a result, they required resource consent immediately when the changes to Part 9A of the RMA were made.

Environment Southland advised Ministry for the Environment staff of this outcome prior to the passing of the Resource Management (Consenting and other Systems) Amendment Act, however at that time the feedback was that rather than amending the RMA, there were suitable tools in the RMA to assist Southland farmers through the transition period leading up to the wider Resource Management Reform. We see this plan modification pathway as the most effective and efficient tool available to address this Southland-specific issue.

The Natural Environment Bill shows that farm plans are expected to play an important role in the new planning system, which aligns with the evidence heard by the Environment Court and the recommendations of the Southland Regional Forum who advised Environment Southland on the methods to achieve the community's aspirations for freshwater.

4.1.2 Positive actions

The construction of wetlands, and other physical works to improve the environment, can be complex due to the many types of different activities they involve. These can include disturbance of the bed of a river or lake, damming or diverting water, and discharging water and contaminants, all of which require resource consent under the RMA unless there is an activity that specifically permits them. Since the Plan was drafted in 2015 and 2016, small-scale wetland construction, detention bunds, and tile drain treatment have become actions of particular interest to landowners due to involvement in catchment groups, growing awareness of their positive impacts on the environment, and information shared by industry representatives and environmental organisations. Many of these actions were recognised through the work of the Southland Regional Forum as being key tools to shifting towards community freshwater objectives. Interest in these actions is expected to further increase as farm plans are prepared and begin to be implemented. Feedback being received by council is that the requirement for consent is a barrier to positive actions.

Until regional planning processes were put on hold, Council had been preparing a change to the Plan which included rules to enable a range of different actions to improve freshwater quality and/or habitat. This work has informed the specific modifications requested, which have been targeted towards three specific types of positive action:

1. Wetlands, including wetland restoration and constructed wetlands

Rule 74 relates specifically to wetlands and provides for wetland restoration, but it is narrow in its focus and much wetland restoration and construction requires a resource consent. The requested modifications also include bed disturbance activities under section 13 of the RMA, which means the rule will act as a 'one-stop shop' for wetland restoration and give plan users

more certainty. Other related modifications to the wetland restoration rule are to include the general requirements for bed disturbance (such as biosecurity measures) and apply them to wetland restoration, and a requirement to notify council which is consistent with the requirement in the National Environmental Standards for Freshwater (NES-F).

A new part of Rule 74 has been drafted to provide for wetland construction as a permitted activity. It is also intended to act as a 'one-stop shop' for constructed wetlands within its scope, as it includes relevant activities (damming, diversion, and discharge of water, and bed disturbance to connect the land-based wetlands to water bodies) within one rule.

2. Damming of water by on-farm sediment traps

Currently, the construction of an on-farm sediment trap in an intermittent or ephemeral river is a permitted activity, but the damming of water in an on-farm sediment trap is not permitted. The requested modification is to introduce a new part to the rule for on-farm sediment traps which provides for damming of water.

3. Treatment of land drainage water

Much of Southland has been modified with artificial subsurface drainage systems to drain water. It is a permitted activity to discharge water to water from an on-farm subsurface drainage system, but the wording of the rule means that treatment of the water before reaching the water body (such as a wood chip filter) may not be permitted. The requested modification will ensure that a range of different treatment options are permitted within the rule and will provide certainty to plan users.

4.2 Do the provisions have a negative impact on Economic Growth, Development Capacity or employment?

4.2.1 Farm Plans

There are approximately 300 properties that are between 20 ha and 50 ha in Southland that will likely now require resource consent in order to continue farming activities (because a certified farm environment management plan is not in place).

Resource consents often have significant processing costs (as well as costs to engage consultants and prepare applications), and come with the added uncertainty of potentially being declined. While there is a high degree of variability, when applicant time, council fees and any consultant inputs are considered, resource consents typically cost several thousand dollars. As any resulting resource consent is likely to ultimately require the preparation of a Farm Plan, but on a different timeline or to a different standard, in this case the resource consent does not add any value and consumes resources of both the applicant and the council.

This will ultimately result in a negative impact on economic growth, given the number of farms affected by the changes to the farm plan requirements. Resources that could be best spent on effective and efficient land management practices would be less accessible.

While small in property size, the number of farms that potentially fall within this size category does cumulatively add up. Many of these properties may be support farms for larger operations.

4.2.2 Positive Actions

The current provisions of the Plan require resource consent to be obtained to undertake many of the activities necessary to restore a natural wetland, or create a constructed wetland. Wetlands are beneficial for the improvement of water quality and mitigation of the effects of farming activities. The direct cost of these resource consents is often tens of thousands of dollars, when applicant costs and council costs are considered.

However, the major economic impact of the existing provisions is the cost of missed opportunities, poorer outcomes, and a lack of innovation. Environment Southland has received feedback that in many instances, a resource consent requirement is seen as a barrier to farmers and catchment groups undertaking these beneficial activities on farm. Resource consents often have significant processing costs (as well as costs to engage consultants and prepare applications), and come with the added uncertainty of being declined. Feedback received from a range of sources indicates that landowners often change their intended activities to an activity which is permitted instead, which may not always be the most effective, or innovative means of meeting the Plan's objectives. The Southland Regional Forum identified that wetlands and sediment traps are particularly effective and low-cost methods of reducing losses of nutrients and sediment. Other methods are typically more costly and have greater impacts through reduced economic activity.

For these reasons, the current provisions of the Plan that require resource consents for these beneficial activities are having a negative impact on economic growth. If the provisions of the Plan were more enabling in this regard, farmers would be able to construct wetlands and undertake other positive environmental mitigations to assimilate some of the effects of their nutrient discharges. This would ensure that farmers and catchment groups are not deterred from choosing their preferred (including potentially most cost-effective) actions for their farm and in turn, would improve water quality generally in the region.

4.3 Were the provisions being amended included in recognition of an obligation or a right under a Treaty Settlement, Marine and Coastal Area (Takutai Moana) Act 2011, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or a Mana Whakahono a Rohe or joint management agreement?

No.

4.4 Do the modifications prevent the Plan from giving effect to National Direction?

4.4.1 Farm Plans

While Farm Environmental Management Plans are a tool to manage freshwater, there are no National Policy Statements or National Environmental Standards that specifically apply to Farm Environmental Management Plans. The modifications proposed are to ensure greater alignment with the processes within the Freshwater Farm Plan regulations.

4.4.2 Positive actions

The requested modifications do not prevent the Plan from giving effect to a national policy statement or make the Plan inconsistent with a national environmental standard.

There is some complexity in relation to the National Environmental Standards for Freshwater, in that the Plan's rules already contain some misalignment with the regulations of the NES-F. Currently, the Plan includes a note for Plan users advising of the NES-F. In order to completely remove both duplication and conflict with the NES-F, as required by section 44A, some

provisions would need significant re-drafting and this work had been part of the plan change work that was underway prior to the Plan Stop direction.

Where possible, alignment with the NES-F has been deliberately included in the draft modifications, to improve consistency. An example is the requirement in Rule 74(a) to provide notice to Council of the works. While these alignments could be carried out under section 44A separately from this request under section 360I, Council has chosen to include them here for completeness.

5. Potentially interested parties

The Minister is required to consult with any parties likely to be affected by the modifications, and report back on the outcomes of that consultation.

Environment Southland have raised the potential modifications in conversations with a number of parties that represent perspectives across the spectrum. While council anticipates concern from some parties, to date we have not confronted significant opposition to the scope of the proposals.

Consultation can take many forms, and approaches to consultation with the parties below may look different depending on the scale of affect. In some cases, industry groups may be best placed to provide insight for the rural community of the community through broader insight into the implications of the proposed modifications than individual members. We suggest that the Ministry for the Environment staff take a pragmatic approach, using a range of tools in the spectrum of public participation.

S360L Parties	In the context of these changes in Southland
Any persons or groups:	Department of Conservation Territorial Authorities (Southland District Council, Gore District Council, Invercargill City Council) Infrastructure providers: - NZTA - KiwiRail - Transpower - Powernet
Landowners or occupiers:	<i>Enabling Farming</i> Owners of farms between 20-50ha Southland rural community (see comment above)
Iwi and hapū:	Te Ao Mārama Inc Hokonui Rūnanga
Customary marine title groups and protected customary rights groups under The Marine and Coastal Area (Takutai Moana) Act 2011:	N/A
Groups holding statutory acknowledgement over the affected area:	Te Rūnanga o Ngāi Tahu
Heritage protection authorities and heritage stakeholders:	N/A

Businesses or industries:	<i>Gravel</i> Gravel extraction companies – e.g. South Roads, McGregors, McClintock Contracting Ltd, Ryal Bush Transport Ltd, Central Aggregates Ltd, Transport Services Ltd
Community organisations or sections of the public	<i>Rural industry/catchment representatives</i> • Thriving Southland • Dairy NZ • Beef and Lamb • Federated Farmers Southland Incorporated Southland Fish and Game Council Forest and Bird

Appendices:

- ES – Draft Plan Modification – Gravel
- ES – Draft Plan Modification – Positive Action
- ES – Draft Plan Modification – Farm Plans

ES – Draft Plan Modification – Gravel

Rule 66 – Maintenance and protection of structures

Note: In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.

Note: Any take, use, damming, diversion, or discharge of water is not authorised under this rule. It will require consent unless permitted by another rule in this plan.

- (a) Unless otherwise stated in this Plan, the maintenance of any structure in, on, under or over the bed of a lake, river, modified watercourse or wetland and any associated bed disturbance, gravel extraction and discharge resulting from the carrying out of the activity, is a permitted activity provided the following conditions are met:
- (ai) the general conditions in Rule 55A other than conditions (d), (j) and (k) of that Rule;
- (i) the structure is lawfully established; and
- (ii) any bed disturbance is the minimum necessary to undertake the activity and returned as near as practicable to its original channel shape, area, depth, or gradient on completion of the activity (with the exception of revegetation or where gravel is required to be moved).
- (b) Despite any other rule in this Plan, the disturbance of the bed of a river or modified watercourse, and any associated gravel extraction or incidental discharge of sediment, for the protection of a bridge or culvert providing passage on a railway or public road or protection of pipes or pylons where those pipes or pylons are critical infrastructure is a permitted activity provided the following conditions are met:
- (i) The works are carried out by or on behalf of the Southland Regional Council or the owner of the structure;
- (ii) The works occur no further than [50?] metres upstream or [50?] metres downstream from the structure;
- (iii) The general conditions in Rule 55A other than conditions (d), (j), and (k) of that rule;
- (iv) The structure is lawfully established;
- (v) There is no reclamation of the bed of the river or modified watercourse;
- (vi) Works do not:
- (1) Occur within or alter the hydrological function of a natural wetland;
 - (2) Occur within a mātaihai, nohoanga, or taiāpure;
 - (3) Damage or otherwise adversely affect an erosion control structure or a structure owned by any other person;
 - (4) Cause a hazard to boating or navigation;
 - (5) Increase the risk of flooding to surrounding land or cause erosion;
 - (6) Impede public access to or along the bed of the river or modified watercourse following completion of the works;
 - (7) Include the use, erection, reconstruction, placement, alteration, extension, removal, or destruction of a structure unless permitted by another rule in this plan or expressly allowed by a resource consent;
 - (8) Include the deposition of any substance in, on, or under the bed other than bed material removed or disturbed as part of the activity;
- (vii) Works must not occur within the wet bed of the river or modified watercourse and must not lower any part of the bed below water level at the time of works;

- (viii) There shall be no stockpiling of bed material in the bed of the river, and any overburden, vegetation, or debris removed during the works shall be removed from the river bed.
- (ix) Any bed disturbance is the minimum necessary to undertake the activity. The bed shall be returned as near as possible to its original channel shape, area, depth, and gradient on completion of the activity, with the exception of revegetation or where gravel has been removed, and shall otherwise be contoured to a natural form and gradient.
- (x) Written notice of works to protect a structure must be provided to the Southland Regional Council at least five working days before the works commence, including the following details:

 - (1) A description of the activity to be undertaken;
 - (2) A description of the location of the structure, and a map showing the location of the structure and the extent of the intended works;
 - (3) One or more photographs collectively showing the full extent of the intended works site;
 - (4) A statement of when the activity will start and when it is expected to end; and
 - (5) Contact details for the structure owner(s) and person responsible for undertaking the works.
- (xi) Within five working days of completing the works, one or more photographs showing the full extent of the completed works must be provided to the Southland Regional Council.
- (c) Despite any other rule in this plan, the disturbance of the bed of a river or modified watercourse, and any associated gravel extraction or incidental discharge of sediment, for the protection of a flood bank, or a pipe or pylon on land which is critical infrastructure and requires immediate preventative or remedial measures for protection is a permitted activity provided the following conditions are met:

 - (i) The works are carried out by or on behalf of the Southland Regional Council;
 - (ii) Works are carried out no further than 50 metres from the structure being protected;
 - (iii) The general conditions in Rule 55A other than conditions (d), (j), and (k) of that rule;
 - (iv) The structure is lawfully established;
 - (v) There is no reclamation of the bed of the river or modified watercourse;
 - (vi) Works do not:

 - (1) Occur within or alter the hydrological function of a natural wetland;
 - (2) Occur within a mātaihai, nohoanga, or taiāpure;
 - (3) Damage or otherwise adversely affect erosion control structure or a structure owned by any other person;
 - (4) Cause a hazard to boating or navigation;
 - (5) Increase the risk of flooding to surrounding land or cause erosion;
 - (6) Impede public access to or along the bed of the river or modified watercourse following completion of the works;
 - (7) Include the use, erection, reconstruction, placement, alteration, extension, removal, or destruction of a structure unless permitted by another rule in this plan or expressly allowed by a resource consent;
 - (8) Include the deposition of any substance in, on, or under the bed other than bed material removed or disturbed as part of the activity;
 - (vii) Works must not occur within the wet bed of the river or modified watercourse and must not lower any part of the bed below water level at the time of works;

- (viii) There shall be no stockpiling of bed material in the bed of the river, and any overburden, vegetation, or debris removed during the works shall be removed from the river bed;
 - (ix) Gravel may be raked but must not be removed from the bed of the Ōreti River or [any other rivers with known downstream gravel deficits].
 - (x) Any bed disturbance is the minimum necessary to undertake the activity. The bed shall be returned as near as possible to its original channel shape, area, depth, and gradient on completion of the activity, with the exception of revegetation or where gravel has been removed, and shall otherwise be contoured to a natural form and gradient.
 - (xi) Written notice of works to protect a structure must be provided to the Southland Regional Council at least five working days before the works commence, including the following details:

 - (1) A description of the activity to be undertaken;
 - (2) A description of the location of the structure, and a map showing the location of the structure and the extent of the intended works;
 - (3) One or more photographs collectively showing the full extent of the intended works site;
 - (4) Information to demonstrate that the intended works site does not include significant indigenous vegetation or significant habitat(s) or indigenous fauna, as determined by using the Significant Assessment Criteria in Appendix 3 of the Southland Regional Policy Statement 2017, or roosting and/or nesting areas of the black fronted tern, black billed gull, banded dotterel, or black fronted dotterel;
 - (5) Information to demonstrate that the structure being protected is under urgent threat of erosion;
 - (6) A statement of when the activity will start and when it is expected to end; and
 - (7) Contact details for the structure owner(s) and person responsible for undertaking the works.
 - (xii) Within five working days of completing the works, one or more photographs showing the full extent of the completed works must be provided to the Southland Regional Council.
- (d) Unless otherwise stated in this Plan, the maintenance of any structure in, on, under or over the bed of a lake, river, modified watercourse or wetland and any associated bed disturbance, gravel extraction and discharge from carrying out the activity that does not meet one or more of the conditions of Rule 66(a) is a restricted discretionary activity.

The Southland Regional Council will restrict its discretion to the following matters:

1. any conditions in Rule 66(a) that cannot be met; and
2. any effects on taonga species amenity values, natural character and outstanding natural features.

ES – Draft Plan Modification – Positive Action

Rule 74 – Wetlands

- (a) The use of land within a wetland and/or the disturbance of the bed of a water body within a wetland and any associated incidental discharge of sediment ~~and~~ for the purposes of:
- ~~(i)~~ Wetland maintenance or wetland restoration; maintaining or enhancing the wetland,
 - ~~(ii)~~ Wetland delineation or wetland monitoring; or
 - ~~(iii)~~ maintaining existing authorised structures within the wetland; or
 - ~~(iv)~~ removing plant matter for the purpose ~~d~~ of mahinga kai undertaken in accordance with Tikanga Māori;
- is a permitted activity provided the following conditions are met:
- (1) there is no destruction or removal of any indigenous vegetation from any natural wetland, unless:
 - (A) the activity is for the purpose of mahinga kai undertaken in accordance with Tikanga Māori; or
 - ~~(A)~~ (B) the destruction or removal is incidental to the activity and is the minimum disturbance necessary to undertake the activity; and
 - (2) there is no reduction in the size of the wetland;
 - (3) there is no flooding or ponding caused on any land owned or occupied by another person; ~~and~~
 - (4) there is no establishment of pest plant species that:
 - (A) are listed in the Regional Pest Management Strategy for Southland 2013 or any replacement plan prepared under the Biosecurity Act, or Biosecurity NZ Register of Unwanted Organisms, in circumstances where the planting of those pest plant species is restricted under the Biosecurity Act; or
 - (B) may damage existing biodiversity values of the wetland; or
 - (C) will form the dominant vegetation type in the wetland.
 - (5) the general conditions set out in Rule 55A. For any part of the wetland which is land, any reference in the Rule 55A conditions to 'bed' is taken to mean land within the wetland for the purpose of this rule; and
 - (6) Where the activity is for the purposes in Rule 74(a)(i) and (iii), written notice of the works must be provided to the Southland Regional Council at least ten working days before the works commence, including the following details:
 - (A) A description of the activity to be undertaken;
 - (B) The property address, and a description of, and map showing, where the activity will be undertaken;
 - (C) A statement of when the activity will start and when it is expected to end;
 - (D) A description of the extent of the activity; and
 - ~~(E)~~ (E) contact details for the property owner(s) and person responsible for undertaking the works.
- (b) The use of land within a wetland (excluding a natural wetland) and/or the disturbance of the bed of a water body within a wetland (excluding a natural wetland) that is for one or more of the purposes listed in Rule 74(a) but which does not comply with the conditions of Rule 74(a), or the use of land within a wetland that is not a natural wetland and/or the disturbance of the bed of a water body within a wetland that is not a natural wetland that is not for one or

more of the purposes listed in Rule 74(a), is a discretionary activity.

(c) The use of land within a natural wetland and/or the disturbance of the bed of a water body within a natural wetland and any associated incidental discharge of sediment that is not for one or more of the purposes listed in Rule 74(a) or which does not meet the conditions of Rule 74(a) is a non-complying activity.

(d) Despite any other rule in this plan:

- (i) The damming of water within a constructed wetland; and/or
- (ii) The diversion of water into or within a constructed wetland; and/or
- (iii) The discharge of water and any associated contaminants from a constructed wetland to land or water; and/or
- (iv) Disturbance of the bed of a lake, river, or modified watercourse, including any incidental removal of vegetation, to provide outflow from a constructed wetland; and/or
- (v) The temporary damming or diversion of water, other than within or from a surface water body, during creation or maintenance of a constructed wetland

is a permitted activity provided the following conditions are met:

- (1) The constructed wetland is not within the bed of a lake, river, or modified watercourse, and is not within a natural wetland or within 10 metres of a natural wetland;
- (2) Water is not dammed, diverted, or discharged within 100 metres of a natural wetland, where there is a hydrological connection to the natural wetland;
- (3) the activity does not alter the water level or hydrological function of a natural wetland;
- (4) Any water dammed or diverted is sourced from overland flow or land drainage water, or is intercepted groundwater. Water must not be diverted from or taken from a surface water body or pumped from groundwater;
- (5) There is no flooding or ponding caused on any other landholding;
- (6) The maximum height (measured from the lowest elevation at the outside limit of the dam) of any structure or embankment damming water does not exceed 4 metres, and the maximum volume of water dammed behind any structure or embankment does not exceed 20,000 cubic metres;
- (7) Water is not dammed upgradient of any railway, formed public road, infrastructure, residence, or public building where these are likely to be affected by any failure or overtopping of the structure or embankment damming the water;
- (8) Any discharge of water to land or water does not cause:
 - (A) A change to the colour or clarity of the receiving waters beyond 20 metres from the point of discharge that exceeds the maximum percentage change specified for the relevant water body class in Appendix E;
 - (B) Conspicuous oil or grease films, scums, or foams beyond 20 metres from the point of discharge;

- (C) Any scouring or erosion of any land or bed of a water body beyond the point of discharge;
 - (9) Any discharge of contaminants contributes to a reduction in adverse effects on water quality;
 - (10) the general conditions set out in Rule 55A other than conditions (f), (j) and (k) of that Rule; and
 - (11) Written notice of the works must be provided to the Southland Regional Council at least ten working days before the works commence, including the following details:
 - (A) Property address;
 - (B) A map showing the location of the wetland
 - (C) At least one photograph showing the area where works will be undertaken;
 - (D) A description of the activity, including the purpose of the activity;
 - (E) intended commencement date and expected duration of the works; and
 - (F) contact details for the property owner(s) and person responsible for undertaking the works.
- (e) Unless permitted by any other rule in this plan, any taking, use, damming, diversion, or discharge of water, or any bed disturbance to create a constructed wetland that does not meet one or more of the conditions of Rule 74(d) is a discretionary activity.

In this rule:

Constructed wetland means an artificial watercourse which provides habitat, and is designed to improve water quality, offset peak river flows, and/or assist with flood control.

Wetland maintenance means active intervention and management, appropriate to the type and location of the wetland, aimed at maintaining its ecosystem health, indigenous biodiversity, or hydrological functioning

Wetland restoration means active intervention and management, appropriate to the type and location of the wetland, aimed at restoring its ecosystem health, indigenous biodiversity, or hydrological functioning

Rule 59A – On-farm sediment traps

Note: *In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.*

- (a) The construction, excavation, modification or maintenance of an on-farm sediment trap in, on, under or over the bed of any intermittent or ephemeral river and any associated bed disturbance, removal of aquatic weeds and plants and associated discharge resulting from carrying out the activity is a permitted activity provided the following conditions are met:
- (i) general conditions (e), (f), (g), (h) and (i) set out in Rule 55A;
 - (ii) the construction, excavation, modification or maintenance of the sediment trap is undertaken solely for sediment control purposes or maintaining the capacity and effective functioning of the sediment trap;
 - (iii) the sediment trap is not within any mātaimai, nohoanga, or taiāpure;
 - (iv) the sediment trap has:
 - (1) fencing to prevent stock access; and
 - (2) bank batter slope no less than 3 horizontal:1 vertical; and
 - (v) the construction, excavation, modification or maintenance of the sediment trap does not result in the destabilisation of any lawfully established structure;
 - (vi) any build-up of sediment within the sediment trap which may adversely affect flood risk, drainage capacity, or bed or bank stability is removed as soon as practicable.
- (b) The construction, excavation, modification or maintenance of an on-farm sediment trap in, on, under or over the bed of any intermittent or ephemeral river and any associated bed disturbance, removal of aquatic weeds and plants, and associated discharge resulting from carrying out the activity that is not permitted by Rule 59A(a) is a discretionary activity.
- (c) Despite any other rule in this plan, the damming of water by an on-farm sediment trap on land or in, on, under, or over the bed of any intermittent or ephemeral river and any associated diversion or discharge of water to land via an overflow or spillway, is a permitted activity provided the following conditions are met:
- (i) Water is not dammed, diverted, or discharged within 100 metres of a natural wetland, and the activity does not alter the water level or

- hydrological function of a Regionally Significant Wetland or natural wetland;
- (ii) Water is not dammed in ‘protected waters’ under a Water Conservation Order, as set out in Appendix F;
 - (iii) There is no flooding or ponding caused on any other landholding;
 - (iv) The maximum height (measured from the lowest elevation at the outside limit of the dam) of any structure or embankment damming water does not exceed 4 metres, and the maximum volume of water dammed behind any structure or embankment does not exceed 20,000 cubic metres; and
 - (v) Water is not dammed upgradient of any railway, formed public road, infrastructure, residence, or public building where these are likely to be affected by any failure or overtopping of the structure or embankment damming the water.
- (b)(d) The damming of water by an on-farm sediment trap on land or in, on, under, or over the bed of any intermittent or ephemeral river, and any associated diversion or discharge of water to land via an overflow or spillway, that does not meet the conditions of Rule 59A(c) is a discretionary activity.

Rule 13 – Discharge from subsurface drainage systems

- (a) The discharge of land drainage water to water from an on-farm subsurface drainage system or the discharge of land drainage water to water through a treatment facility or device designed to improve the quality of the discharge, is a permitted activity, provided the following conditions are met:
- (i) the discharge does not cause:
 - (1) a change to the colour or clarity of the receiving waters beyond 20 metres from the point of discharge that exceeds the maximum percentage change specified for the relevant water body class in Appendix E; or
 - (3) conspicuous oil or grease films, scrums or foams, or floatable or suspended materials beyond 20 metres from the point of discharge;
 - (ii) the discharge does not render freshwater unsuitable for consumption by farm animals;
 - (iii) the discharge does not cause the flooding of any other landholding;
 - (iv) the discharge does not cause any scouring or erosion of any land or bed of a water body beyond the point of discharge;
 - (vi) the discharge does not cause any significant adverse effects on aquatic life;
 - (vii) the subsurface drainage system does not drain a natural wetland; and
 - (viii) for any known existing drains and for any new drains, the locations of the drain outlets are mapped and provided to the Southland Regional Council on request.
- (b) The discharge of land drainage water to water from an on-farm subsurface drainage system or the discharge of land drainage water to water through a treatment facility or device designed to improve the quality of the discharge, that does not comply with Rule 13(a) is a discretionary activity.

ES – Draft Plan Modification – Farm Plans

Appendix N – Farm Environmental Management Plan Requirements (indicative drafting as at 3 November)

(1) A Farm Environmental Management Plan (FEMP) must be:

- ~~(a) a Freshwater Farm Plan prepared, implemented and audited in accordance with regulations prepared under Part 9A RMA and which apply within the Southland region, plus any additional information or components required by Part B below; or~~
- ~~(b) if Freshwater Farm Plans, under Part 9A RMA, are not yet required in the Southland region, a Farm Environmental Management Plan will be prepared and implemented in accordance with Parts A to C below~~
- (a) A Farm Environmental Management Plan prepared in accordance with Parts A and B below; or
- (c)(b) A Freshwater Farm Plan where a Freshwater Farm Plan is required by regulations and/or the Resource Management Act 1991, plus any additional information or components required by Part B below.

(2) A FEMP prepared under (1)(a) above must be:

- (a) Submitted for certification no later than 27 May 2026;
- (b) Certified and audited in accordance with the process prescribed in regulations that apply to Freshwater Farm Plans. Any reference to 'freshwater farm plan' in the regulations is taken to mean 'Farm Environmental Management Plan' for the purpose of this condition;
- (c) Submitted for recertification (if required) in accordance with the process and timeframes prescribed by regulations that apply to Freshwater Farm Plans. Any reference to 'freshwater farm plan' in the regulations is taken to mean 'Farm Environmental Management Plan' for the purpose of this condition; and
- (d) Provided to Council, along with any current certifications and audit reports that exist, upon request.

(3) A FEMP prepared under (1)(b) above must be:

- (a) Submitted for certification and re-certification in accordance with the timeframes prescribed by regulations that apply to Freshwater Farm Plans. If Freshwater Farm Plans are required but no timeframe is prescribed, the FEMP must be submitted for certification no later than 27 May 2026;
- (b) Certified, re-certified, and audited in accordance with the process prescribed in regulations that apply to Freshwater Farm Plans; and
- (c) Provided to Council, along with any current certifications and audit reports that exist, upon request.

Part A – Farm Environmental Management Plans

~~(2)(4)~~ All FEMPs (prepared in accordance with this Appendix) must include and give effect to the FEMP Purpose Statement.

FEMP Purpose Statement

This FEMP contributes to the management of Southland's water and land resources under the Southland Water and Land Plan (the SWLP) which embodies ki uta ki tai and upholds Te Mana o Te Wai. These concepts are to be at the forefront of water and land management in the FEMP.

~~(3)~~(5) The SWLP, and therefore this FEMP, must give effect to the objectives of the SWLP, including Objectives 1 and 2 which are fundamental to the SWLP. These objectives are:

Objective 1 (of the SWLP) – Land and water and associated ecosystems are sustainably managed as integrated natural resources, recognising the connectivity between surface water and groundwater, and between freshwater, land and the coast.

Objective 2 (of the SWLP) – The mauri of water provides for te hauora a te taiao (health and mauri of the environment), te hauora o te wai (health and mauri of the water body) and te hauora o te tangata (health and mauri of the people).

~~(4)~~(6) A FEMP can be based on either:

- (a) the default content set out in Part B below; or
- (b) industry-prepared FEMP templates and guidance material, with Southland-specific supplementary material added where relevant, so that it includes the default content set out in Part B below; or
- (c) a management plan and nutrient budget prepared in accordance with a condition of resource consent to discharge industrial wastewater onto land that is also used for farming activity, with the default content set out in Part B below included where relevant to the farm receiving the industrial wastewater.

~~(5)~~ — All FEMPs shall be certified and compliance with the FEMP audited in accordance with Part C.

Part B – Farm Environmental Management Plan Default Content

~~(6)~~(7) The FEMP shall contain the following landholding details:

- (a) physical address;
- (b) description of the landholding ownership and the owner's contact details and if different, the name and contact details of the person responsible for implementing the FEMP;
- (c) legal description(s) of the landholding;
- (d) a list of all resource consents held for the landholding and their expiry dates; and
- (e) the type of farming activities being undertaken on the property, such as 'dairy' or 'sheep and beef with dairy support'.

~~(7)~~(8) The FEMP shall contain a map(s) or aerial photograph(s) of the landholding at a scale that clearly shows the locations of:

- (a) property and paddock boundaries; and
- (b) the physiographic zones found on the Regional Council's website (and variants where applicable) and predominant soil types (or Topoclimate South soil maps) and any site-specific information that better identifies or delineates these areas; and
- (c) all lakes, rivers, streams (including intermittent rivers), springs, ponds, artificial watercourses, modified watercourses and natural wetlands; and
- (d) all critical source areas; and

- (e) all existing and proposed riparian vegetation and fences (or other stock exclusion methods) adjacent to water bodies; and
- (f) places where stock access or cross water bodies (including bridges, culverts and fords); and
- (g) the location of all known subsurface drainage system(s) and the locations of the drain outlets; and
- (h) land that for the next 12 months is to be:
 - (i) cultivated; or
 - (ii) intensively winter grazed; or
 - (iii) used for pasture-based wintering; or
 - (iv) used for a sacrifice paddock; and
- (i) any areas of the land within a catchment of a degraded water body identified in Schedule X; and
- (j) any heritage site recorded in the relevant district plan, on the New Zealand Heritage List/Rārangī Kōrero or on the New Zealand Archaeological Association website; and
- (k) the presence of taonga species listed in Appendix M of the Southland Land and Water Plan within water bodies on the farm⁴⁴; and
- (l) other values and uses of nearby land and waters including mahinga kai and nohoanga⁴⁵.

Nutrient Budget/Nutrient Loss Risk Assessment

~~(8)~~(9) For all landholdings over 20 ha, the FEMP contains either:

- (a) a nutrient budget (which includes nutrient losses to the environment) calculated using a model approved by the Chief Executive of Southland Regional Council; or
- (b) a nutrient loss risk assessment undertaken using a nutrient loss risk assessment tool approved by the Chief Executive of Southland Regional Council;
- (c) the nutrient budget or nutrient loss risk assessment will be repeated:
 - (i) where a material change in land use associated with the farming activity has occurred or is intended that increases the risk of not achieving the plan's

⁴⁴ See 'Sources of information' note.

⁴⁵ See 'Sources of information' note.

objectives, as set out in clauses 9 and 10, and where that change is not provided for within the landholding's certified FEMP; and

- (ii) each time the nutrient budget or nutrient loss risk assessment is repeated, all the input data used to prepare it shall be reviewed by or on behalf of the landholding owner, for the purposes of ensuring the nutrient budget or nutrient loss risk assessment accurately reflects the farming system. A record of the input data review shall be kept by the landholding owner; and
- (iii) the nutrient budget or nutrient loss risk assessment must be prepared by a suitably qualified person who has been approved as such by the Chief Executive of Southland Regional Council.

Objectives of Farm Environmental Management Plans

~~(9)~~(10) The following objectives will be met:

- (a) nutrient and soil management:
 - (i) losses of nitrogen, phosphorus, sediment and microbial contaminants from farming activities to water bodies do not increase when compared to the benchmark⁴⁶ and are minimised;

- (ii) there is continual improvement in benchmarked on-farm nutrient and soil management practices and actions; and
 - (iii) the overland flow of water is slowed to control sediment loss from cultivated paddocks and from paddocks used for intensive winter grazing, pasture-based wintering and for sacrifice paddocks; vegetated setbacks are maintained to slow the overland flow of water, filter and support the infiltration of sediment/nutrients; and sediment trap(s) established where critical source areas are cultivated; and
 - (iv) if the farm is within a degraded catchment identified in Schedule X, adverse effects on water quality are reduced.
- (b) habitat management: activities in waterways (including modified watercourses)⁴⁷, natural wetlands and their margins are managed so that in-stream and riparian habitat values are not diminished, and where practicable are improved;
- (c) flood capacity of streams and rivers: in-stream and riparian habitats, taonga and the sustainable customary use of mahinga kai resources of streams and rivers (including modified watercourses)⁴⁸, are to be safeguarded through the timing, frequency, extent, and method of carrying out flood conveyancing activities⁴⁹.

~~(10)~~(11) If relevant to farming operations, the following objectives will also be met:

- (a) intensive winter grazing and pasture-based wintering: ensure the particular risks of these activities are managed effectively, grazing of critical source areas and setbacks are avoided; and the extent and duration of exposed soils is minimised;
- (b) collected agricultural effluent management: manage the discharge of collected agricultural effluent in accordance with industry best practice to ensure the adverse effects of contaminants on water quality do not increase and are minimised;
- (c) irrigation system designs and installation: ensure that all new irrigation systems and

⁴⁶ See 'benchmark' note.

⁴⁷ See 'modified watercourse' note.

⁴⁸ See 'modified watercourse' note.

⁴⁹ See 'sources of information' note.

application infrastructure upgrades meet industry best practice;

- (d) irrigation management: ensure efficient on-farm water use that meets plant demands, including through upgrading existing systems to meet industry best practice, and ensuring that water and contaminant losses to water bodies do not increase and are minimised.

The FEMP must also identify additional objectives if these are relevant to the farming activities and/or to address environmental risks associated with the farm and the environment within which it is located.

~~(11)~~(12) For each (relevant) objective in clauses 9 and 10 above:

- (a) identify how the farm fits within the wider catchment, known as a 'catchment context', including a description of where contaminants lost from the farm end up; and
- (b) identify the risks associated with the farming activities on the property, including the risk pathways of the relevant physiographic zones (and variants), and the risks caused by extreme weather events; and
- (c) taking into account the risk pathways of the relevant physiographic zone, the catchment

context(s), and the risks associated with the farming activities, demonstrate that the practices and actions to be undertaken:

- (i) will not lead to an increase in contaminant losses when compared with the benchmarked farming activities;
 - (ii) will minimise contaminant losses; and
 - (iii) for Schedule X catchments, will contribute to a reduction in adverse effects on water quality.
- (d) define the practices and actions to be taken that clearly set a pathway and timeframe for achievement of the objectives; and
- (e) identify any specific mitigations required by a resource consent held for the property;
- (f) specify the records to be kept for demonstrating mitigations have been actioned and are achieving the objective; and
- (g) demonstrate how flood conveyance activities in modified watercourses will be done in accordance with good management practices.

Winter Grazing Plan

~~(12)~~(13) A Winter Grazing Plan is to be prepared each year for the following activities:

- (a) intensive winter grazing; or
- (b) pasture-based wintering; or
- (c) for stock other than cattle, where pasture is to provide less than 50% of the animal's diet and supplementary feed will be offered on the paddock; or
- (d) sacrifice paddocks.

~~(13)~~(14) Implementing the FEMP, the Winter Grazing Plan is to:

- (a) record:
 - (i) the location, paddock slope, land area used, crop type, expected pasture or crop yield and supplementary feed amount and type; and
 - (ii) stock type, numbers and estimated duration of grazing on each paddock.
- (b) identify:
 - (i) any critical source areas; explain how stock will be excluded from them between 1 May–30 September; and
 - (ii) any water bodies and features from which stock must be set back and excluded, explaining how this will be done.
- (c) explain the procedures to be followed in an adverse weather event (including higher than or below average rainfall);
- (d) excluding sacrifice paddocks, confirm how the following practices and actions are to be implemented:
 - (i) downslope grazing or a 20 m 'last-bite' vegetated strip at the base of the slope; and
 - (ii) back fencing to prevent stock entering previously grazed areas.
- (e) for intensive winter grazing:
 - (i) identify paddocks to be resown after grazing and the date by which this is to occur, weather permitting;
- (f) for a sacrifice paddock:
 - (i) identify paddocks to be resown after use as a sacrifice paddock and the date by which this is to occur, weather permitting.
- (g) for pasture-based wintering:

- (i) identify paddocks to be resown after use as a sacrifice paddock and the date by which this is to occur, weather permitting.
 - a. the predicted post grazing residual on each paddock; and
 - b. identification of paddocks to be resown after grazing and the date this is to occur, weather permitting; and
- (ii) if a post-grazing residual is intended, explain how the amount of exposed soil will be minimised and the residual root system and/or vegetative cover will be retained.
- (h) for stock other than cattle, where pasture is less than 50% of the animal's diet and supplementary feed will be offered on the paddock;
 - (i) identify paddocks to be resown after grazing and the date this is to occur, weather permitting; and
- (i) with reference to the planned total feed to be offered to stock⁵⁰ and the relevant physiographic zones (and variants), explain how the intensity, operation and location of intensive winter grazing and pasture-based wintering will:
 - (i) not lead to an increase in contaminant losses when compared with the benchmarked farming activities;
 - (ii) minimise contaminant losses; and
 - (iii) for Schedule X catchments, will contribute to a reduction in adverse effects on water quality.

~~Part C – Farm Environmental Management Plan Certification, auditing, review and amendment~~

~~(14) Unless Pt 3 and Pt 4 of the resource Management (Freshwater Farm Plans) Regulations 2023 apply then for Farm Environmental Management Plan Certification:~~

- ~~(a) the FEMP must be certified, prior to implementation on the farm, by a Suitably Qualified Person (SQP) who has been approved as such by the Chief Executive of Southland Regional Council;~~
- ~~(b) the purpose of FEMP certification is to confirm that the farming activities on the farm will be carried out in a way that will achieve the objectives in this appendix and will~~

⁵⁰ An alternative way to express 'planned total feed' may be to refer to crop yield (kg of dry matter per m²) and the proportion of crop in the total diet (kg of dry matter offered per cow per day).

~~comply with any resource consent for the landholding;~~

- ~~(c) the FEMP must be re-certified, prior to implementation, following any amendments to the FEMP carried out in accordance with Part C (17) of this appendix;~~
- ~~(d) within one month of a FEMP being certified, a copy of the certified FEMP must be provided to the Southland Regional Council.~~

~~(15) Auditing of the certified Farm Environmental Management Plan:~~

- ~~(a) within 12 months of the landholding's first FEMP being certified, the landholding owner must arrange for an audit of the farming activities to ascertain and ensure compliance with the FEMP. Thereafter, the frequency of auditing will be in accordance with any conditions of consents held for the landholding, or alternatively, where there are no consent or consent conditions requiring auditing, every two years after receipt of the previous audit report, unless the Chief Executive of the Southland Regional Council, having regard to the objectives of the Southland Water and Land Plan, specifies in~~

- ~~writing, a shorter or longer period between auditing;~~
- ~~(b) the auditor must be a SQP who has been approved as such by the Chief Executive of Southland Regional Council and must not be the same person or from the same organisation that prepared the FEMP;~~
- ~~(c) the auditor must prepare an audit report that:~~
- ~~(i) sets out the auditor's findings;~~
- ~~(ii) states whether compliance has been achieved; and~~
- ~~(iii) sets out any recommendations from the auditor.~~
- ~~(d) within one month of the final audit report being prepared, the audit report must be provided to the Southland Regional Council by the auditor.~~
- ~~(16) The FEMP must be reviewed by the landholding owner, or their agent, as follows:~~
- ~~(a) when there is a material change in farming activities on the landholding. A material change is one that increases the risk of not achieving the plan's objectives, as set out in clauses 9 and 10, and where that change is not provided for within the landholding's certified FEMP; and~~
- ~~(b) at least once every 12 months; and~~
- ~~(c) to respond to the outcome of an audit.~~
- ~~(17) The outcome of the review is to be documented and amendments to the FEMP must be made where Part C (16)(a) applies, and in circumstances where the annual review identifies that amendments are required.~~

Notes:

- ~~(a)(i)~~ practices, actions and mitigations in a FEMP may be more stringent than permitted activity standards of the Southland Water and Land Plan rules where this is appropriate to achieve the FEMP objectives;
- ~~(b)(k)~~ the no increase in contaminant loss explanation required by clause 13(i)(1) is to be made in the context of the whole of the relevant land holding consistent with Policy 16(c1) for farming activities that affect water quality. The same approach is to be taken for the explanation of reduced adverse effects on water quality for landholdings located in a Schedule X catchment required by clause 13(i)(3);
- ~~(c)(l)~~ when addressing 'intensity' in clause 13(i) the factors in clauses 13(a)(i) and (ii) shall be applied, as relevant, in the required explanation;
- ~~(d)(m)~~ benchmark means on-farm nutrient and soil management practices and actions over the preceding 12 months commencing 1 July 2022 and ending 30 June 2023 or another 12 month period in the five years between 2018 – 2023 if accepted by the certifier as being representative of those practices/actions. Benchmarked has the same meaning;
- ~~(e)(n)~~ minimise means to reduce to the smallest amount reasonably practicable;
- ~~(f)(o)~~ intensive winter grazing means grazing of stock between May and September (inclusive) on forage crops (including brassica, beet and root vegetable crops), excluding pasture and cereal crops;
- ~~(g)(p)~~ modified watercourse is a water carrying channel that was existing in some form prior to land development but has been modified or straightened for drainage or other purposes and

excludes ephemeral rivers;

~~(h)~~(g) pasture-based wintering means break feeding cattle, other than lactating dairy cows, on pasture between 1 May and 30 September inclusive where supplementary feed offered is more than 10,000 kgDM/ha;

~~(i)~~(r) person includes Crown, a body corporate and a ‘body of persons’;

~~(j)~~(s) sacrifice paddock⁵¹ means an area on which—

- (i) stock are temporarily contained (typically during extended periods of wet weather); and
- (ii) the resulting damage caused to the soil by pugging is so severe as to require resowing with pasture species.

~~(k)~~(t) sources of information for the purposes of sub-clauses 7(k) and (l) and [subject to a final decision] sub-clauses 9(b) OR (c) include personally held local knowledge of the landowner or agent, the catchment context documentation prepared by the regional council, information prepared by a catchment group, and information from the Council’s on-line mapping system that is relevant to the management of risks addressed by the FEMP. Absent Council catchment documentation or on-line mapping prepared in consultation with Papatipu Rūnanga, persons preparing an FEMP are to seek information on cultural values (including taonga species, mahinga kai and nohoanga) by contacting the relevant Papatipu Rūnanga or their environmental entity. Any request for information from Papatipu Rūnanga or their environmental entity is to be made in writing at least two months’ prior to submitting the FEMP for certification.

⁵¹ SRC, memorandum ‘regarding the fifth Interim Decision’ dated 9 February 2023 at [35].

ES – Draft Plan Modification – Gravel

Rule 66 – Maintenance and protection of structures

Note: *In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.*

Note: Any take, use, damming, diversion, or discharge of water is not authorised under this rule. It will require consent unless permitted by another rule in this plan.

- (a) Unless otherwise stated in this Plan, the maintenance of any structure in, on, under or over the bed of a lake, river, modified watercourse or wetland and any associated bed disturbance, gravel extraction and discharge resulting from the carrying out of the activity, is a permitted activity provided the following conditions are met:
- (ai) the general conditions in Rule 55A other than conditions (d), (j) and (k) of that Rule;
 - (i) the structure is lawfully established; and
 - (ii) any bed disturbance is the minimum necessary to undertake the activity and returned as near as practicable to its original channel shape, area, depth, or gradient on completion of the activity (with the exception of revegetation or where gravel is required to be moved).
- (b) Despite any other rule in this Plan, the disturbance of the bed of a river or modified watercourse, and any associated gravel extraction or incidental discharge of sediment, for the protection of a bridge or culvert providing passage on a railway or public road or protection of pipes or pylons where those pipes or pylons are critical infrastructure is a permitted activity provided the following conditions are met:
- (i) The works are carried out by or on behalf of the Southland Regional Council or the owner of the structure;
 - (ii) The works occur no further than 50 metres upstream or 50 metres downstream from the structure;
 - (iii) The general conditions in Rule 55A other than conditions (d), (j), and (k) of that rule;
 - (iv) The structure is lawfully established;
 - (v) There is no reclamation of the bed of the river or modified watercourse;
 - (vi) Works do not:
 - (1) Occur within 10 metres of a natural wetland;
 - (2) Alter the hydrological function of a natural wetland;
 - (3) Occur within a mātaihai, nohoanga, or taiāpure;
 - (4) Damage or otherwise adversely affect an erosion control structure or a structure owned by any other person;
 - (5) Cause a hazard to boating or navigation;
 - (6) Increase the risk of flooding to surrounding land or cause erosion;
 - (7) Impede public access to or along the bed of the river or modified watercourse following completion of the works;

- (8) Include the use, erection, reconstruction, placement, alteration, extension, removal, or destruction of a structure unless permitted by another rule in this plan or expressly allowed by a resource consent;
 - (9) Include the deposition of any substance in, on, or under the bed other than bed material removed or disturbed as part of the activity;
 - (vii) Works must not occur within the wet bed of the river or modified watercourse and must not lower any part of the bed below water level at the time of works;
 - (viii) There shall be no stockpiling of bed material in the bed of the river, and any overburden, vegetation, or debris removed during the works shall be removed from the river bed.
 - (ix) Any bed disturbance is the minimum necessary to undertake the activity. The bed shall be returned as near as possible to its original channel shape, area, depth, and gradient on completion of the activity, with the exception of revegetation or where gravel has been removed, and shall otherwise be contoured to a natural form and gradient.
 - (x) Written notice of works to protect a structure must be provided to the Southland Regional Council at least five working days before the works commence, including the following details:
 - (1) A description of the activity to be undertaken;
 - (2) A description of the location of the structure, and a map showing the location of the structure and the extent of the intended works;
 - (3) One or more photographs collectively showing the full extent of the intended works site;
 - (4) A statement of when the activity will start and when it is expected to end; and
 - (5) Contact details for the structure owner(s) and person responsible for undertaking the works.
 - (xi) Within five working days of completing the works, one or more photographs showing the full extent of the completed works must be provided to the Southland Regional Council.
- (c) Despite any other rule in this plan, the disturbance of the bed of a river or modified watercourse, and any associated gravel extraction or incidental discharge of sediment, for the protection of a flood bank, or a pipe or pylon on land which is critical infrastructure and requires immediate preventative or remedial measures for protection is a permitted activity provided the following conditions are met:
 - (i) The works are carried out by or on behalf of the Southland Regional Council;
 - (ii) Works are carried out no further than 50 metres from the structure being protected;
 - (iii) The general conditions in Rule 55A other than conditions (d), (j), and (k) of that rule;
 - (iv) The structure is lawfully established;
 - (v) There is no reclamation of the bed of the river or modified watercourse;
 - (vi) Works do not:
 - (1) Occur within 10 metres of a natural wetland;
 - (2) Alter the hydrological function of a natural wetland;
 - (3) Occur within a mātaihai, nohoanga, or taiāpure;

- (4) Damage or otherwise adversely affect erosion control structure or a structure owned by any other person;
- (5) Cause a hazard to boating or navigation;
- (6) Increase the risk of flooding to surrounding land or cause erosion;
- (7) Impede public access to or along the bed of the river or modified watercourse following completion of the works;
- (8) Include the use, erection, reconstruction, placement, alteration, extension, removal, or destruction of a structure unless permitted by another rule in this plan or expressly allowed by a resource consent;
- (9) Include the deposition of any substance in, on, or under the bed other than bed material removed or disturbed as part of the activity;
- (vii) Works must not occur within the wet bed of the river or modified watercourse and must not lower any part of the bed below water level at the time of works;
- (viii) There shall be no stockpiling of bed material in the bed of the river, and any overburden, vegetation, or debris removed during the works shall be removed from the river bed;
- (ix) Gravel may be raked but must not be removed from the bed of the Ōreti River or [any other rivers with known downstream gravel deficits].
- (x) Any bed disturbance is the minimum necessary to undertake the activity. The bed shall be returned as near as possible to its original channel shape, area, depth, and gradient on completion of the activity, with the exception of revegetation or where gravel has been removed, and shall otherwise be contoured to a natural form and gradient.
- (xi) Written notice of works to protect a structure must be provided to the Southland Regional Council at least five working days before the works commence, including the following details:

 - (1) A description of the activity to be undertaken;
 - (2) A description of the location of the structure, and a map showing the location of the structure and the extent of the intended works;
 - (3) One or more photographs collectively showing the full extent of the intended works site;
 - (4) Information to demonstrate that the intended works site does not include significant indigenous vegetation or significant habitat(s) or indigenous fauna, as determined by using the Significant Assessment Criteria in Appendix 3 of the Southland Regional Policy Statement 2017, or roosting and/or nesting areas of the black fronted tern, black billed gull, banded dotterel, or black fronted dotterel;
 - (5) Information to demonstrate that the structure being protected is under urgent threat of erosion;
 - (6) A statement of when the activity will start and when it is expected to end; and
 - (7) Contact details for the structure owner(s) and person responsible for undertaking the works.
- (xii) Within five working days of completing the works, one or more photographs showing the full extent of the completed works must be provided to the Southland Regional Council.

~~(b)~~(d) Unless otherwise stated in this Plan, the maintenance or protection of any structure in, on, under or over the bed of a lake, river, modified watercourse or wetland and any associated bed disturbance, gravel extraction and discharge from carrying out the activity that does not meet one or more of the conditions of Rule 66(a)-~~(c)~~ is a restricted discretionary activity.

The Southland Regional Council will restrict its discretion to the following matters:

1. any conditions ~~in~~ of the relevant permitted activity rule ~~Rule 66(a)-(c)~~ that cannot be met; and
2. any effects on taonga species amenity values, natural character and outstanding natural features.

Advice note: In addition to the requirements under Rule 66(d), the use of land within 10 m of a natural inland wetland for the maintenance of a structure will either be permitted in accordance with Regulations 46 and 55 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESF), or require consent as a restricted discretionary activity under Regulation 47 of the NESF. The matters of discretion in the NESF should be considered concurrently with the matters of discretion in this rule.

ES – Draft Plan Modification – Positive Action

Rule 74 – Wetlands

(a) The use of land within a wetland and/or the disturbance of the bed of a water body within a wetland and any associated incidental discharge of sediment ~~and~~ for the purposes of:

- (i) Wetland maintenance or wetland restoration;~~maintaining or enhancing the wetland,~~
- ~~(i)(ii)~~ Wetland delineation or wetland monitoring; or
- ~~(ii)(iii)~~ maintaining existing authorised structures within the wetland; or
- ~~(iii)(iv)~~ removing plant matter for the purpose~~d~~ of mahinga kai undertaken in accordance with Tikanga Māori;

is a permitted activity provided the following conditions are met:

- (1) there is no destruction or removal of any indigenous vegetation from any natural wetland, unless:
 - (A) the activity is for the purpose of mahinga kai undertaken in accordance with Tikanga Māori;
or
 - (B) the activity is for wetland maintenance, and the vegetation clearance does not occur over more than 500 m² or 10% of the area of the natural inland wetland, whichever is smaller; or
 - (C) the activity is for wetland delineation or monitoring, and the vegetation disturbance does not:
 - (i) occur over a single area within the natural wetland that is more than 10 m²; or
 - (ii) occur over a total area within the natural wetland that is more than 100 m²; and
 - (D) for each of (A), (B) and (C) above, the destruction or removal is incidental to the activity and is the minimum disturbance necessary to undertake the activity; and
- (2) there is no reduction in the size of the wetland;
- (3) there is no flooding or ponding caused on any land owned or occupied by another person; ~~and~~
- (4) there is no establishment of pest plant species that:
 - (A) are listed in the Regional Pest Management Strategy for Southland 2013 or any replacement plan prepared under the Biosecurity Act, or Biosecurity NZ Register of Unwanted Organisms, in circumstances where the planting of those pest plant species is restricted under the Biosecurity Act; or
 - (B) may damage existing biodiversity values of the wetland; or
 - (C) will form the dominant vegetation type in the wetland.
- (5) the general conditions set out in Rule 55A. For any part of the wetland which is land, any reference in the Rule 55A conditions to 'bed' is taken to mean land within the wetland for the purpose of this rule; and
- (6) Where the activity is for the purposes in Rule 74(a)((i), (ii) and (iii), written notice of the works must be provided to the Southland Regional Council at least ten working days before the works commence, including the following details:
 - (A) A description of the activity to be undertaken;
 - (B) The property address, and a description of, and map showing, where the activity will be undertaken;
 - (C) A statement of when the activity will start and when it is expected to end;

(D) A description of the extent of the activity; and

(E) contact details for the property owner(s) and person responsible for undertaking the works.

- (b) The use of land within a wetland (excluding a natural wetland) and/or the disturbance of the bed of a water body within a wetland (excluding a natural wetland) that is for one or more of the purposes listed in Rule 74(a) but which does not comply with the conditions of Rule 74(a), or the use of land within a wetland that is not a natural wetland and/or the disturbance of the bed of a water body within a wetland that is not a natural wetland that is not for one or more of the purposes listed in Rule 74(a), is a discretionary activity.
- (c) The use of land within a natural wetland and/or the disturbance of the bed of a water body within a natural wetland and any associated incidental discharge of sediment that is not for one or more of the purposes listed in Rule 74(a) or which does not meet the conditions of Rule 74(a) is a non-complying activity.

(d) Despite any other rule in this plan:

(i) The damming of water within a constructed wetland; and/or

(ii) The diversion of water into or within a constructed wetland; and/or

(iii) The discharge of water and any associated contaminants from a constructed wetland to land or water; and/or

(iv) Disturbance of the bed of a lake, river, or modified watercourse, including any incidental removal of vegetation, to provide outflow from a constructed wetland; and/or

(v) The temporary damming or diversion of water, other than within or from a surface water body, during creation or maintenance of a constructed wetland

is a permitted activity provided the following conditions are met:

- (1) The constructed wetland is not within the bed of a lake, river, or modified watercourse, and is not within a natural wetland or within 10 metres of a natural wetland;
- (2) Water is not dammed, diverted, or discharged within 100 metres of a natural wetland, where there is a hydrological connection to the natural wetland;
- (3) the activity does not alter the water level or hydrological function of a natural wetland;
- (4) Any water dammed or diverted is sourced from overland flow or land drainage water, or is intercepted groundwater. Water must not be diverted from or taken from a surface water body or pumped from groundwater;
- (5) There is no flooding or ponding caused on any other landholding;
- (6) The maximum height (measured from the lowest elevation at the outside limit of the dam) of any structure or embankment damming water does not exceed 4 metres, and the maximum volume of water dammed behind any structure or embankment does not exceed 20,000 cubic metres;
- (7) Water is not dammed upgradient of any railway, formed public road, infrastructure, residence, or public building where these are likely to be affected by any failure or overtopping of the structure or embankment damming the water;

- (8) Any discharge of water to land or water does not cause:
- (A) A change to the colour or clarity of the receiving waters beyond 20 metres from the point of discharge that exceeds the maximum percentage change specified for the relevant water body class in Appendix E;
 - (B) Conspicuous oil or grease films, scums, or foams beyond 20 metres from the point of discharge;
 - (C) Any scouring or erosion of any land or bed of a water body beyond the point of discharge;
- (9) Any discharge of contaminants contributes to a reduction in adverse effects on water quality;
- (10) the general conditions set out in Rule 55A other than conditions (f), (j) and (k) of that Rule; and
- (11) Written notice of the works must be provided to the Southland Regional Council at least ten working days before the works commence, including the following details:
- (A) Property address;
 - (B) A map showing the location of the wetland
 - (C) At least one photograph showing the area where works will be undertaken;
 - (D) A description of the activity, including the purpose of the activity;
 - (E) intended commencement date and expected duration of the works; and
 - (F) contact details for the property owner(s) and person responsible for undertaking the works.
- (e) Unless permitted by any other rule in this plan, any taking, use, damming, diversion, or discharge of water, or any bed disturbance to create a constructed wetland that does not meet one or more of the conditions of Rule 74(d) is a non-complying activity.

In this rule:

Constructed wetland means a deliberately created wetland which provides habitat, and is designed to improve water quality, offset peak river flows, and/or assist with flood protection.

Wetland maintenance means activities (such as weed control) appropriate to the type and location of the wetland, which prevent the deterioration, or preserve the existing state, of a wetland's ecosystem health, indigenous biodiversity or hydrological functioning.

Wetland restoration means active intervention and management, appropriate to the type and location of the wetland, aimed at restoring its ecosystem health, indigenous biodiversity, or hydrological functioning

Advice note: In addition to the requirements under Rule 74(a), the use of land within 10 m of a natural inland wetland for wetland delineation, monitoring, maintenance and/or restoration will either be permitted in accordance with Regulations 38, 40 and 55 of the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESF), or require consent as a restricted discretionary activity under

Regulations 39 or 41 of the NESF. The matters of discretion in the NESF should be considered concurrently with the matters of discretion in this rule.

Rule 59A – On-farm sediment traps

Note: *In addition to the provisions of this Plan and any relevant district plan, any activity which may modify, damage or destroy pre-1900 archaeological sites is subject to the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014. The responsibilities regarding archaeological sites are set out in Appendix S.*

- (a) The construction, excavation, modification or maintenance of an on-farm sediment trap in, on, under or over the bed of any intermittent or ephemeral river and any associated bed disturbance, removal of aquatic weeds and plants and associated discharge resulting from carrying out the activity is a permitted activity provided the following conditions are met:
- (i) general conditions (e), (f), (g), (h) and (i) set out in Rule 55A;
 - (ii) the construction, excavation, modification or maintenance of the sediment trap is undertaken solely for sediment control purposes or maintaining the capacity and effective functioning of the sediment trap; (iii) the sediment trap is not within any mātaihai, nohoanga, or taiāpure; (iv) the sediment trap has:
 - (1) fencing to prevent stock access; and
 - (2) bank batter slope no less than 3 horizontal:1 vertical; and
 - (v) the construction, excavation, modification or maintenance of the sediment trap does not result in the destabilisation of any lawfully established structure;
 - (vi) any build-up of sediment within the sediment trap which may adversely affect flood risk, drainage capacity, or bed or bank stability is removed as soon as practicable.
- (b) The construction, excavation, modification or maintenance of an on-farm sediment trap in, on, under or over the bed of any intermittent or ephemeral river and any associated bed disturbance, removal of aquatic weeds and plants, and associated discharge resulting from carrying out the activity that is not permitted by Rule 59A(a) is a discretionary activity.
- (c) Despite any other rule in this plan, the damming of water by an on-farm sediment trap on land or in, on, under, or over the bed of any intermittent or ephemeral river and any associated diversion or discharge of water to land via an overflow or spillway, is a permitted activity provided the following conditions are met:
- (i) Water is not dammed, diverted, or discharged within 100 metres of a natural wetland, and the activity does not alter the water level or hydrological function of a Regionally Significant Wetland or natural wetland;
 - (ii) Water is not dammed in 'protected waters' under a Water Conservation Order, as set out in Appendix F;
 - (iii) There is no flooding or ponding caused on any other landholding;

- (iv) The maximum height (measured from the lowest elevation at the outside limit of the dam) of any structure or embankment damming water does not exceed 4 metres, and the maximum volume of water dammed behind any structure or embankment does not exceed 20,000 cubic metres; and
 - (v) Water is not dammed upgradient of any railway, formed public road, infrastructure, residence, or public building where these are likely to be affected by any failure or overtopping of the structure or embankment damming the water.
- (d) The damming of water by an on-farm sediment trap on land or in, on, under or over the bed of any intermittent or ephemeral river, and any associated diversion or discharge of water to land via an overflow or spillway, that does not meet the conditions of Rule 59A(c) is a non-complying activity.

Rule 13 – Discharge from subsurface drainage systems

- (a) The discharge of land drainage water to water from an on-farm subsurface drainage system or the discharge of land drainage water to water through a treatment facility or device designed to improve the quality of the discharge, is a permitted activity, provided the following conditions are met:
- (i) the discharge does not cause:
 - (1) a change to the colour or clarity of the receiving waters beyond 20 metres from the point of discharge that exceeds the maximum percentage change specified for the relevant water body class in Appendix E; or
 - (3) conspicuous oil or grease films, scums or foams, or floatable or suspended materials beyond 20 metres from the point of discharge;
 - (ii) the discharge does not render freshwater unsuitable for consumption by farm animals;
 - (iii) the discharge does not cause the flooding of any other landholding;
 - (iv) the discharge does not cause any scouring or erosion of any land or bed of a water body beyond the point of discharge;
 - (vi) the discharge does not cause any significant adverse effects on aquatic life;
 - (vii) the subsurface drainage system does not drain a natural wetland; and
 - (viii) for any known existing drains and for any new drains, the locations of the drain outlets are mapped and provided to the Southland Regional Council on request.
- (b) The discharge of land drainage water to water from an on-farm subsurface drainage system or the discharge of land drainage water to water through a treatment facility or device designed to improve the quality of the discharge, that does not comply with Rule 13(a) is a discretionary activity.

ES – Draft Plan Modification – Farm Plans

Appendix N – Farm Environmental Management Plan (FEMP) Requirements

- (1) A Farm Environmental Management Plan (FEMP) must be:
- ~~(a) a Freshwater Farm Plan prepared, implemented and audited in accordance with regulations prepared under Part 9A RMA and which apply within the Southland region, plus any additional information or components required by Part B below; or~~
 - ~~(b) if Freshwater Farm Plans, under Part 9A RMA, are not yet required in the Southland region, a Farm Environmental Management Plan will be prepared and implemented in accordance with Parts A to C below~~
 - (a) A Farm Environmental Management Plan prepared in accordance with Parts A and B below; or
 - (b) A Freshwater Farm Plan where a Freshwater Farm Plan is required by regulations and/or the Resource Management Act 1991, plus any additional information or components required by Part B below.
- (2) A FEMP prepared under (1)(a) above must be:
- (a) Submitted for certification no later than the date specified in a relevant Order in Council prepared under Part 9A of the Resource Management Act 1991;
 - (b) Certified and audited in accordance with the process prescribed in regulations that apply to Freshwater Farm Plans. Any reference to 'freshwater farm plan' in the regulations is taken to mean 'Farm Environmental Management Plan' for the purpose of this condition;
 - (c) Submitted for recertification (if required) in accordance with the process and timeframes prescribed by regulations that apply to Freshwater Farm Plans. Any reference to 'freshwater farm plan' in the regulations is taken to mean 'Farm Environmental Management Plan' for the purpose of this condition; and
 - (d) Provided to Council, along with any current certifications and audit reports that exist, upon request.
- (3) A FEMP prepared under (1)(b) above must be:
- (a) Submitted for certification and re-certification in accordance with the timeframes prescribed by regulations that apply to Freshwater Farm Plans. If Freshwater Farm Plans are required but no timeframe is prescribed, the FEMP must be submitted for certification no later than the date specified in a relevant Order in Council prepared under Part 9A of the Resource Management Act 1991;
 - (b) Certified, re-certified, and audited in accordance with the process prescribed in regulations that apply to Freshwater Farm Plans; and
 - (c) Provided to Council, along with any current certifications and audit reports that exist, upon request.

Part A – Farm Environmental Management Plans

~~(2)(4)~~ All FEMPs (prepared in accordance with this Appendix) must include and give effect to the FEMP Purpose Statement.

FEMP Purpose Statement

This FEMP contributes to the management of Southland's water and land resources under the Southland Water and Land Plan (the SWLP) which embodies ki uta ki tai and upholds Te Mana o Te Wai. These concepts are to be at the forefront of water and land management in the FEMP.

~~(3)(5)~~ The SWLP, and therefore this FEMP, must give effect to the objectives of the SWLP, including Objectives 1 and 2 which are fundamental to the SWLP. These objectives are:

Objective 1 (of the SWLP) – Land and water and associated ecosystems are sustainably managed as integrated natural resources, recognising the connectivity between surface water and groundwater, and between freshwater, land and the coast.

Objective 2 (of the SWLP) – The mauri of water provides for te hauora a te taiao (health and mauri of the environment), te hauora o te wai (health and mauri of the water body) and te hauora o te tangata (health and mauri of the people).

~~(4)(6)~~ A FEMP can be based on either:

- (a) the default content set out in Part B below; or
- (b) industry-prepared FEMP templates and guidance material, with Southland-specific supplementary material added where relevant, so that it includes the default content set out in Part B below; or
- (c) a management plan and nutrient budget prepared in accordance with a condition of resource consent to discharge industrial wastewater onto land that is also used for farming activity, with the default content set out in Part B below included where relevant to the farm receiving the industrial wastewater.

~~(5) — All FEMPs shall be certified and compliance with the FEMP audited in accordance with Part C.~~

Part B – Farm Environmental Management Plan Default Content

~~(6)(7)~~ The FEMP shall contain the following landholding details:

- (a) physical address;
- (b) description of the landholding ownership and the owner's contact details and if different, the name and contact details of the person responsible for implementing the FEMP;
- (c) legal description(s) of the landholding;
- (d) a list of all resource consents held for the landholding and their expiry dates; and
- (e) the type of farming activities being undertaken on the property, such as 'dairy' or 'sheep and beef with dairy support'.

~~(7)~~(8) The FEMP shall contain a map(s) or aerial photograph(s) of the landholding at a scale that clearly shows the locations of:

- (a) property and paddock boundaries; and
- (b) the physiographic zones found on the Regional Council's website (and variants where applicable) and predominant soil types (or Topoclimate South soil maps) and any site- specific information that better identifies or delineates these areas; and
- (c) all lakes, rivers, streams (including intermittent rivers), springs, ponds, artificial watercourses, modified watercourses and natural wetlands; and (d) all critical source areas; and
- (e) all existing and proposed riparian vegetation and fences (or other stock exclusion methods) adjacent to water bodies; and
- (f) places where stock access or cross water bodies (including bridges, culverts and fords); and
- (g) the location of all known subsurface drainage system(s) and the locations of the drain outlets; and
- (h) land that for the next 12 months is to be:
 - (i) cultivated; or
 - (ii) intensively winter grazed; or
 - (iii) used for pasture-based wintering; or
 - (iv) used for a sacrifice paddock; and
- (i) any areas of the land within a catchment of a degraded water body identified in Schedule X; and
- (j) any heritage site recorded in the relevant district plan, on the New Zealand Heritage List/Rārangi Kōrero or on the New Zealand Archaeological Association website; and
- (k) the presence of taonga species listed in Appendix M of the Southland Land and Water Plan within water bodies on the farm⁴⁴; and
- (l) other values and uses of nearby land and waters including mahinga kai and nohoanga⁴⁵.

Nutrient Budget/Nutrient Loss Risk Assessment

~~(8)~~(9) For all landholdings over 20 ha, the FEMP contains either:

- (a) a nutrient budget (which includes nutrient losses to the environment) calculated using a model approved by the Chief Executive of Southland Regional Council); or
- (b) a nutrient loss risk assessment undertaken using a nutrient loss risk assessment tool approved by the Chief Executive of Southland Regional Council;
- (c) the nutrient budget or nutrient loss risk assessment will be repeated:
 - (i) where a material change in land use associated with the farming activity has occurred or is intended that increases the risk of not achieving the plan's objectives, as set out in clauses 109 and 114~~9~~, and where that change is not provided for within the landholding's certified FEMP; and

⁴⁴ See 'Sources of information' note.

⁴⁵ See 'Sources of information' note.

- (ii) each time the nutrient budget or nutrient loss risk assessment is repeated, all the input data used to prepare it shall be reviewed by or on behalf of the landholding owner, for the purposes of ensuring the nutrient budget or nutrient loss risk assessment accurately reflects the farming system. A record of the input data review shall be kept by the landholding owner; and
- (iii) the nutrient budget or nutrient loss risk assessment must be prepared by a suitably qualified person who has been approved as such by the Chief Executive of Southland Regional Council.

Objectives of Farm Environmental Management Plans

~~(9)~~(10) The following objectives will be met:

- (a) nutrient and soil management:
 - (i) losses of nitrogen, phosphorus, sediment and microbial contaminants from farming activities to water bodies do not increase when compared to the benchmark⁴⁶ and are minimised;
 - (ii) there is continual improvement in benchmarked on-farm nutrient and soil management practices and actions; and
 - (iii) the overland flow of water is slowed to control sediment loss from cultivated paddocks and from paddocks used for intensive winter grazing, pasture- based wintering and for sacrifice paddocks; vegetated setbacks are maintained to slow the overland flow of water, filter and support the infiltration of sediment/nutrients; and sediment trap(s) established where critical source areas are cultivated; and
 - (iv) if the farm is within a degraded catchment identified in Schedule X, adverse effects on water quality are reduced.
- (b) habitat management: activities in waterways (including modified watercourses)⁴⁷, natural wetlands and their margins are managed so that in-stream and riparian habitat values are not diminished, and where practicable are improved;
- (c) flood capacity of streams and rivers: in-stream and riparian habitats, taonga and the sustainable customary use of mahinga kai resources of streams and rivers (including modified watercourses)⁴⁸, are to be safeguarded through the timing, frequency, extent, and method of carrying out flood conveyancing activities⁴⁹.

~~(10)~~(11) If relevant to farming operations, the following objectives will also be met:

- (a) intensive winter grazing and pasture-based wintering: ensure the particular risks of these activities are managed effectively, grazing of critical source areas and setbacks are avoided; and the extent and duration of exposed soils is minimised;

⁴⁶ See 'benchmark' note.

⁴⁷ See 'modified watercourse' note.

⁴⁸ See 'modified watercourse' note.

⁴⁹ See 'sources of information' note.

- (b) collected agricultural effluent management: manage the discharge of collected agricultural effluent in accordance with industry best practice to ensure the adverse effects of contaminants on water quality do not increase and are minimised;
- (c) irrigation system designs and installation: ensure that all new irrigation systems and application infrastructure upgrades meet industry best practice;
- (d) irrigation management: ensure efficient on-farm water use that meets plant demands, including through upgrading existing systems to meet industry best practice, and ensuring that water and contaminant losses to water bodies do not increase and are minimised.

The FEMP must also identify additional objectives if these are relevant to the farming activities and/or to address environmental risks associated with the farm and the environment within which it is located.

~~(11)~~(12) For each (relevant) objective in clauses 109 and ~~114~~ above:

- (a) identify how the farm fits within the wider catchment, known as a 'catchment context', including a description of where contaminants lost from the farm end up; and
- (b) identify the risks associated with the farming activities on the property, including the risk pathways of the relevant physiographic zones (and variants), and the risks caused by extreme weather events; and
- (c) taking into account the risk pathways of the relevant physiographic zone, the catchment context(s), and the risks associated with the farming activities, demonstrate that the practices and actions to be undertaken:
 - (i) will not lead to an increase in contaminant losses when compared with the benchmarked farming activities;
 - (ii) will minimise contaminant losses; and
 - (iii) for Schedule X catchments, will contribute to a reduction in adverse effects on water quality.
- (d) define the practices and actions to be taken that clearly set a pathway and timeframe for achievement of the objectives; and
- (e) identify any specific mitigations required by a resource consent held for the property;
- (f) specify the records to be kept for demonstrating mitigations have been actioned and are achieving the objective; and
- (g) demonstrate how flood conveyance activities in modified watercourses will be done in accordance with good management practices.

Winter Grazing Plan

~~(12)~~(13) A Winter Grazing Plan is to be prepared each year for the following activities:

- (a) intensive winter grazing; or
- (b) pasture-based wintering; or
- (c) for stock other than cattle, where pasture is to provide less than 50% of the animal's diet and supplementary feed will be offered on the paddock; or

- (d) sacrifice paddocks.

~~(13)~~(14) Implementing the FEMP, the Winter Grazing Plan is to:

- (a) record:
 - (i) the location, paddock slope, land area used, crop type, expected pasture or crop yield and supplementary feed amount and type; and
 - (ii) stock type, numbers and estimated duration of grazing on each paddock.
- (b) identify:
 - (i) any critical source areas; explain how stock will be excluded from them between 1 May–30 September; and
 - (ii) any water bodies and features from which stock must be set back and excluded, explaining how this will be done.
- (c) explain the procedures to be followed in an adverse weather event (including higher than or below average rainfall);
- (d) excluding sacrifice paddocks, confirm how the following practices and actions are to be implemented:
 - (i) downslope grazing or a 20 m 'last-bite' vegetated strip at the base of the slope; and
 - (ii) back fencing to prevent stock entering previously grazed areas.
- (e) for intensive winter grazing:
 - (i) identify paddocks to be resown after grazing and the date by which this is to occur, weather permitting;
- (f) for a sacrifice paddock:
 - (i) identify paddocks to be resown after use as a sacrifice paddock and the date by which this is to occur, weather permitting.
- (g) for pasture-based wintering:
 - (i) identify paddocks to be resown after use as a sacrifice paddock and the date by which this is to occur, weather permitting.
 - a. the predicted post grazing residual on each paddock; and
 - b. identification of paddocks to be resown after grazing and the date this is to occur, weather permitting; and
 - (ii) if a post-grazing residual is intended, explain how the amount of exposed soil will be minimised and the residual root system and/or vegetative cover will be retained.
- (h) for stock other than cattle, where pasture is less than 50% of the animal's diet and supplementary feed will be offered on the paddock;
 - (i) identify paddocks to be resown after grazing and the date this is to occur, weather permitting; and

- (i) with reference to the planned total feed to be offered to stock⁵⁰ and the relevant physiographic zones (and variants), explain how the intensity, operation and location of intensive winter grazing and pasture-based wintering will:
 - (i) not lead to an increase in contaminant losses when compared with the benchmarked farming activities;
 - (ii) minimise contaminant losses; and
 - (iii) for Schedule X catchments, will contribute to a reduction in adverse effects on water quality.

Part C – Farm Environmental Management Plan Certification, auditing, review and amendment

~~(14) Unless Pt 3 and Pt 4 of the resource Management (Freshwater Farm Plans) Regulations 2023 apply then for Farm Environmental Management Plan Certification:~~

- ~~(a) the FEMP must be certified, prior to implementation on the farm, by a Suitably Qualified Person (SQP) who has been approved as such by the Chief Executive of Southland Regional Council;~~
- ~~(b) the purpose of FEMP certification is to confirm that the farming activities on the farm will be carried out in a way that will achieve the objectives in this appendix and will comply with any resource consent for the landholding;~~
- ~~(c) the FEMP must be re-certified, prior to implementation, following any amendments to the FEMP carried out in accordance with Part C (17) of this appendix;~~
- ~~(d) within one month of a FEMP being certified, a copy of the certified FEMP must be provided to the Southland Regional Council.~~

~~(15) Auditing of the certified Farm Environmental Management Plan:~~

- ~~(a) within 12 months of the landholding's first FEMP being certified, the landholding owner must arrange for an audit of the farming activities to ascertain and ensure compliance with the FEMP. Thereafter, the frequency of auditing will be in accordance with any conditions of consents held for the landholding, or alternatively, where there are no consent or consent conditions requiring auditing, every two years after receipt of the previous audit report, unless the Chief Executive of the Southland Regional Council, having regard to the objectives of the Southland Water and Land Plan, specifies in writing, a shorter or longer period between auditing;~~
- ~~(b) the auditor must be a SQP who has been approved as such by the Chief Executive of Southland Regional Council and must not be the same person or from the same organisation that prepared the FEMP;~~
- ~~(c) the auditor must prepare an audit report that:
 - ~~(i) sets out the auditor's findings;~~
 - ~~(ii) states whether compliance has been achieved; and (iii) sets out any recommendations from the auditor.~~~~

⁵⁰ An alternative way to express 'planned total feed' may be to refer to crop yield (kg of dry matter per m²) and the proportion of crop in the total diet (kg of dry matter offered per cow per day).

~~(d) within one month of the final audit report being prepared, the audit report must be provided to the Southland Regional Council by the auditor.~~

~~(16) The FEMP must be reviewed by the landholding owner, or their agent, as follows:~~

~~(a) when there is a material change in farming activities on the landholding. A material change is one that increases the risk of not achieving the plan's objectives, as set out in clauses 9 and 10, and where that change is not provided for within the landholding's certified FEMP; and~~

~~(b) at least once every 12 months; and (c) to respond to the outcome of an audit.~~

~~(17) The outcome of the review is to be documented and amendments to the FEMP must be made where Part C (16)(a) applies, and in circumstances where the annual review identifies that amendments are required.~~

Notes:

- (a) practices, actions and mitigations in a FEMP may be more stringent than permitted activity standards of the Southland Water and Land Plan rules where this is appropriate to achieve the FEMP objectives;
- (b) the no increase in contaminant loss explanation required by clause 1413(i)(1) is to be made in the context of the whole of the relevant land holding consistent with Policy 16(c1) for farming activities that affect water quality. The same approach is to be taken for the explanation of reduced adverse effects on water quality for landholdings located in a Schedule X catchment required by clause 1413(i)(3);
- (c) when addressing 'intensity' in clause 1413(i) the factors in clauses 1413(a)(i) and (ii) shall be applied, as relevant, in the required explanation;
- (d) benchmark means on-farm nutrient and soil management practices and actions over the preceding 12 months commencing 1 July 2022 and ending 30 June 2023 or another 12 month period in the five years between 2018 – 2023 if accepted by the certifier as being representative of those practices/actions. Benchmarked has the same meaning;
- (e) minimise means to reduce to the smallest amount reasonably practicable;
- (f) intensive winter grazing means grazing of stock between May and September (inclusive) on forage crops (including brassica, beet and root vegetable crops), excluding pasture and cereal crops;
- (g) modified watercourse is a water carrying channel that was existing in some form prior to land development but has been modified or straightened for drainage or other purposes and excludes ephemeral rivers;
- (h) pasture-based wintering means break feeding cattle, other than lactating dairy cows, on pasture between 1 May and 30 September inclusive where supplementary feed offered is more than 10,000 kgDM/ha;
- (i) person includes Crown, a body corporate and a 'body of persons';
- (j) sacrifice paddock⁵¹ means an area on which—
 - (i) stock are temporarily contained (typically during extended periods of wet weather); and
 - (ii) the resulting damage caused to the soil by pugging is so severe as to require resowing with pasture species.

⁵¹ SRC, memorandum 'regarding the fifth Interim Decision' dated 9 February 2023 at [35].

- (k) sources of information for the purposes of sub-clauses ~~87~~(k) and (l) and [subject to a final decision] sub-clauses ~~109~~(b) OR (c) include personally held local knowledge of the landowner or agent, the catchment context documentation prepared by the regional council, information prepared by a catchment group, and information from the Council's on-line mapping system that is relevant to the management of risks addressed by the FEMP. Absent Council catchment documentation or on-line mapping prepared in consultation with Papatipu Rūnanga, persons preparing an FEMP are to seek information on cultural values (including taonga species, mahinga kai and nohoanga) by contacting the relevant Papatipu Rūnanga or their environmental entity. Any request for information from Papatipu Rūnanga or their environmental entity is to be made in writing at least two months' prior to submitting the FEMP for certification.

Appendix 4 Assessment of Treaty matters and national policy statements

Assessment of Treaty matters and NPSs for Southland Water and Land Plan Potential Modifications

April 2026

In accordance with s360(2) of the RMA, there are a number of criteria that the Minister must be satisfied are met, prior to recommending the modification or removal of provisions in a plan.

These criteria are:

- (i) the provisions have not been included in a policy statement or plan in recognition of an obligation or a right under a Treaty settlement, the Marine and Coastal (Takutai Moana) Act 2011, Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, or a Mana Whakahono a Rohe or joint management agreement; and*
- (ii) the modification or removal of the provisions of the policy statement or plan does not prevent the policy statement or plan from giving effect to a national policy statement; and*
- (iii) the modification or removal of the provisions of the plan does not make the plan inconsistent with a national environmental standard.*

These criteria have been assessed in the following sections.

Treaty Settlements

Background

The Ngāi Tahu Claims Settlement Act was passed in 1998 and put into effect the terms and redress package agreed to by Ngāi Tahu and the Crown to mitigate and remedy breaches of the Treaty of Waitangi. The cultural redress package provided through the Settlement Act includes:

- Statutory Acknowledgements, which significantly enhance the ability of Ngāi Tahu to realise fully the potential which the RMA offers as a tool for incorporating Māori values into the management of the environment.
 - The Statutory Acknowledgements in Southland are the Aparima River, Hananui (Mount Anglem), Lake Hauoko, Manawapōpōre/Hikuraki (Mavora Lakes), Mataura River, Motupōhue (Bluff Hill), Moturau (Lake Manapōuri), Ōreti River, Te Ana-Au (Lake Te Anau), Toi Toi Wetland Rakiura, Tutoko, Uruwera (Lake George), Waiau River and Waituna Wetland.
- Deeds of Recognition, which apply to the statutory acknowledgement areas, and recognise the Ngāi Tahu historical, spiritual, cultural and/or traditional relationship with each of the areas, and the mana and tangata whenua status which results from that relationship
- Tōpuni, which recognise land of significance to Ngāi Tahu.
 - In Southland, the Takitimu Range and Motupōhue (Bluff Hill) are tōpuni.
- Nohoanga, which provide for temporary campsites adjacent to lakes and rivers, to facilitate customary fishing and the gathering of other natural resources (see map).

- Nohoanga in Southland are found at the Waikawa River, Oreti River, Mataura River, Mavora Lakes, Te Ana-au, Maturau, Waiakaia River and Waiau River.

In addition, Mātaitai reserves and taiāpure are part of the suite of management tools created under Part IX of the Fisheries Act 1996. Mātaitai are designed to give effect to the Treaty of Waitangi Fisheries Claims Settlement Act 1992 by developing policies to help recognise use and management practices of Māori in the exercise of non-commercial fishing rights. The tools provide practical recognition of the rights guaranteed to tangata whenua under the Treaty of Waitangi.

- The mātaitai in Southland are primarily in coastal locations. However, there is one inland mātaitai, associated with the Mataura River.
- There are currently no taiāpure identified in Southland.

Discussion

The proposed amendments to the pSWLP have recognised, and where appropriate, excluded these significant sites from being disturbed as part of the permitted activities. In addition, the proposals do not amend objectives and policies that have been developed to implement Te Tiriti obligations. In particular:

- Rule 66 for works in the beds of rivers and lakes excludes permitted activity works from occurring in taiāpure, nohoanga or mātaitai, given these works have the potential to impact waterbody values.
- For Rule 74 for wetlands, permitted activity conditions do not include exclusions, as the wetlands are either already present, or works are not permitted to occur within the beds of lakes or rivers, such that they are unlikely to adversely impact the values of those culturally significant and sensitive sites. In addition, the works authorised under the permitted activity rules within Rule 74 are primarily for environmental improvement works.
- Exclusions are not included in Rule 59A for on-farm sediment traps, given this rule only applies to works in intermittent or ephemeral rivers, and not the larger, permanently flowing rivers captured by the types of sites listed above.
- The changes to Rule 13 (discharges from drainage systems) are to improve the chapeau of the rule, rather than amend any conditions.
- The changes to Appendix N are related to the relationship with the Freshwater Farm Plan regulations, and auditing requirements, rather than the content of farm plans.
- The changes do not impact on the ability of the pSWLP to protect taonga species or provide for mahinga kai.

National Policy Statements

New Zealand Coastal Policy Statement 2010 (NZCPS)

The proposed changes to the rules do not seek to manage activities within the coastal environment or Coastal Marine Area (which are addressed by the Regional Coastal Environment Plan). However, the NZCPS is relevant insofar as the coastal environment forms part of the receiving environment.

All of the rules proposed to be changed authorise the discharge of contaminants to water or to land where they may enter water:

- For Rule 66, the new permitted activity conditions require compliance with Rule 55A, which includes a number of conditions managing discharges in the beds of lakes and rivers, as well as a number of other conditions that will minimise the extent and impact of any discharge. Rule 55A of the pSWLP is already utilised by a number of other rules for activities in the beds of lakes and rivers, in part to manage the impact of discharges.
- For Rule 74, the new permitted activity rule for constructed wetlands includes conditions managing the discharge of water and contaminants, such that there should be an overall reduction in adverse effects on water quality, which should have positive impacts for downstream coastal environments.
- For Rule 59A, the new permitted activity rule does not include any specific conditions relating to the discharge of contaminants. However, the nature of the activity, and where it may occur, is such that the discharge is unlikely to impact coastal water quality.
- For Rule 13, no changes to the rule conditions are sought.

Overall, the changes sought are considered unlikely to have an impact on the ability of the pSWLP to give effect to the NZCPS.

National Policy Statement for Renewable Electricity Generation 2011 (NPSREG)

The NPSREG sets out an objective and policies to enable the sustainable management of renewable electricity generation under the RMA. Southland is home to a range of renewable electricity generation activities, including nationally significant and community-scale hydro-electricity generation and wind energy generation.

The proposed changes do not expressly relate to renewable energy generation, and are unlikely to adversely impact the use, operation or maintenance of renewable energy generation infrastructure.

National Policy Statement for Freshwater Management 2020 (NPSFM)

Broadly, the NPSFM sets the direction for freshwater quality and quantity management in New Zealand through the framework of Te Mana o te Wai. Te Mana o te Wai is described as the fundamental concept for the NPSFM, recognising that protecting the health of fresh water protects the health and wellbeing of the wider environment. The pSWLP, while not fully implementing the NPSFM, has embedded Te Mana o Te Wai as a fundamental concept.

An important component of implementing Te Mana o te Wai is the hierarchy of obligations that prioritises:

1. First, the health and wellbeing of water bodies and freshwater ecosystems;
2. Second, the health needs of people (such as drinking water);
3. Third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.

Regional councils are directed under the RMA to give effect to the requirements of the NPSFM when developing statutory plans and plan changes. The NPSFM requires freshwater quality to be maintained (where it meets stated environmental outcomes) or improved over time (where it does not meet stated environmental outcomes) and includes a national objectives framework for achieving this. The

NPSFM also requires that tangata whenua are actively involved in freshwater management, including decision-making.

The proposed changes to the pSWLP do not prevent the plan from giving effect to the NPSFM, as permitted activity conditions are included to:

- To protect the ecosystem health and hydrological functioning of lakes and rivers.
- Restrict activities in accordance with Water Conservation Orders.
- Mitigate adverse effects on surface water bodies from works in the beds of lakes and rivers.
- Ensure that discharges do not adversely affect the quality of the receiving water.

In addition, a number of the proposed changes are intended to better provide for and enable beneficial activities, including the construction of wetlands and sediment traps, which will help enable communities to provide for their social, economic and cultural wellbeing.

Overall, the proposed changes are considered to be consistent with the NPSFM, noting that the pSWLP was drafted prior to the NPSFM taking effect, such that it does not fully give effect to the NPSFM.

National Policy Statement for Indigenous Biodiversity 2023 (NPSIB)

The NPSIB provides national direction on how to identify and protect significant indigenous biodiversity. The NPSIB applies to indigenous biodiversity in the terrestrial environment.¹ This means it applies to all indigenous biodiversity, except:²

- Indigenous biodiversity in the coastal marine area, and
- Indigenous biodiversity in land covered by water, waterbodies and freshwater ecosystems (as those terms are defined in the NPSFM).

The proposed rules to be changed predominantly impact indigenous biodiversity within the beds of rivers and lakes. Rule 66, relating to protection of infrastructure, there are limitations on the extent of the activity and the activities in the bed, such that effects on indigenous biodiversity are expected to be minor, given these are locations where there is usually already a high level of modification. In the case of the additional rules for constructed wetlands and sediment traps, which occur outside the bed, these rules do not authorise the planting or removal of vegetation. However, for constructed wetlands in particular, there is likely to be a component of planting, which may include appropriate indigenous species, while the wetland itself may provide habitat for indigenous fauna.

National Policy Statement for Infrastructure 2025 (NPSI)

The NPSI provides national direction for infrastructure, with an objective of being generally enabling of infrastructure. The new permitted activity rules under Rule 66 for gravel extraction are specifically for the purpose of infrastructure protection, which is consistent with direction of the NPSI, particularly around enabling efficient maintenance of existing infrastructure.

The remaining rules to be changed are not specifically for, or to support infrastructure, but include conditions and setbacks which should ensure the activities do not impact the operation of any existing infrastructure.

¹ Clause 1.3(1), NPSIB.

² Clause 1.6, NPSIB.

Overall, the proposed changes are considered to be consistent with the NPSI, with particular reference to Rule 66, noting that the pSWLP was drafted prior to the NPSI taking effect, such that it does not fully give effect to the NPSI.

National Policy Statements that are not relevant

The following National Policy Statements are not considered to be relevant to the proposed changes:

- National Policy Statement on Electricity Transmission 2008
- National Policy Statement for Greenhouse Gases from Industrial Process Heat 2023
- National Policy Statement for Highly Productive Land 2022
- National Policy Statement on Urban Development 2020
- Natural Policy Statement for Natural Hazards 2025