

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

IN THE MATTER of the Resource Management Act 1991
(the **Act**)

A N D

IN THE MATTER of appeals pursuant to clause 14 of the
First Schedule to the Act

BETWEEN **SOUTHLAND FISH AND GAME COUNCIL**
(ENV-2016-CHC-37)

**ROYAL FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND
INCORPORATED**
(ENV-2016-CHC-50)

Appellants

A N D **SOUTHLAND REGIONAL COUNCIL**

Respondent

**STATEMENT OF EVIDENCE OF SUSAN CLARE RUSTON
ON BEHALF OF BALLANCE AGRI-NUTRIENTS LIMITED (s 274 PARTY)**

PLANNING (TOPIC A)

22 MARCH 2019

Introduction

1. My full name is Susan Clare Ruston.
2. I am an experienced environmental planner and Director of Enspire Consulting Limited¹. Enspire is a consultancy that provides, amongst other services, planning, policy and resource management advice and services to a range of clients across New Zealand. My responsibilities include, amongst other matters, reviewing and submitting on district, regional and national planning instruments; the preparation and processing of resource consent applications; and the preparation and presentation of expert planning evidence.
3. This evidence is focused on the matters set out in the notices of Ballance Agri-Nutrients Limited² to become a party (pursuant to section 274 of the Resource Management Act 1991³) to the appeals filed by the Southland Fish and Game Council⁴ and by the Royal Forest and Bird Protection Society of New Zealand Incorporated⁵ with respect to the decisions of Southland Regional Council on the proposed Southland Water and Land Plan⁶.

Qualifications and experience

4. I hold a Bachelor of Forestry Science Degree, with honours, from the University of Canterbury (1989); and an Executive Masters in Public Administration from Victoria University of Wellington (2011). I have also completed the following papers at Massey University: Law and Mediation, Introduction to Disputes Resolution, Planning Law, and Business Law. Further to this, I have completed the University of Waikato's Legal Method paper.

¹ Hereafter referred to as '**Enspire**'.

² Hereafter referred to as '**Ballance**' or '**the Company**'.

³ Hereafter referred to as '**the RMA**'.

⁴ Hereafter referred to as '**Fish and Game**'.

⁵ Hereafter referred to as '**Forest and Bird**'.

⁶ Hereafter referred to as '**the pSWLP**'.

5. I have over 25 years of experience in addressing resource management and planning issues on behalf of private sector companies, and central and local government. I have been in my role with Enspire for two years. Prior to this role I was the Environmental Policy Manager for the South Island for Fonterra Co-operative Group Limited for three years (2013 to 2016). In this role I represented Fonterra in many of the Southland Regional Council's stakeholder consultation meetings with respect to development of the Southland Regional Council's proposed physiographic zones and content of the pSWLP.
6. Prior to my role with Fonterra Co-operative Group Limited I held the positions of Manager Resource Management Reform; Manager Environmental Risk; and Manager Hazardous Substances and New Organisms Policy at the Ministry for the Environment (during the periods 2002 to 2005 and 2009 to 2012 respectively). During the earlier stages of my career I was an Environmental Consultant with Meritec Limited (1998 to 2001) and a Forestry Consultant with PF Olsen and Company Ltd (1994 to 1997). Prior to 1994 I was a Policy Analyst at the Ministry of Forestry and a Technical Forester at Carter Holt Harvey Forests. Each of these roles have predominantly addressed resource management, environmental risk management and planning matters.
7. I have, and continue to provide planning advice in relation to a number of resource management processes. A list of the processes that I have recently been, or am currently involved with, is attached as **Annexure A** to this evidence.
8. I am a member of the Resource Management Law Association and the Institute of Directors in New Zealand; and am an Associate Member of the New Zealand Planning Institute.

Code of Conduct for Expert Witnesses

9. I confirm that I have read the Environment Court's Code of Conduct for Expert Witnesses, as contained in section 7 of the Environment Court's Practice Note 2014, and I agree to comply with it.
10. The data, information, facts and assumptions that I have considered in forming my opinions are set out in my evidence that follows. The reasons for the opinions expressed are also set out in the evidence that follows.
11. I confirm that the matters addressed in this brief of evidence are within my area of expertise, with the exception of where I confirm that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from my opinions expressed in this brief of evidence. I have specified where my opinion is based on limited or partial information and I have identified any assumptions I have made in forming my opinions.

Scope of evidence

12. As identified in paragraph 3, this evidence is focused on the matters set out in the notices of Ballance to become a party to the proceedings of appeals filed by Fish and Game and Forest and Bird with respect to the decisions of the Southland Regional Council on the pSWLP.
13. Accordingly, my evidence addresses the following sections of the decisions version of the pSWLP; the appeals of Fish and Game and Forest and Bird; and Ballance's interest in the same:
 - a) Objective 2;
 - b) Objective 6;
 - c) Objective 7;
 - d) Objectives 13, 13A and 13B;

- e) Objective 18;
- f) Policies 4 to 12, Physiographic Zone Policies; and
- g) Policy 45, Priority of FMU Values, Objectives, Policies and Rules.

14. In preparing my evidence, I have considered the following documents:

- a) The RMA and the National Policy Statement for Freshwater Management 2014 (as amended 2017)⁷;
- b) The Southland Regional Policy Statement⁸;
- c) The primary and further submissions of Ballance, together with Ballance's evidence to the Hearing Panel on the pSWLP and the section 274 notices lodged to the appeals of Fish and Game and Forest and Bird;
- d) The Evaluation Report: Proposed Southland Water and Land Plan Prepared under Section 32 of the Resource Management Act 1991, dated 2 June 2016;
- e) The Hearing Report: Proposed Southland Water and Land Plan Prepared under Section 42A of the Resource Management Act 1991, dated April 2017;
- f) The Report and Recommendations of the Hearings Commissioners, dated 29 January 2018;
- g) The Notices of Appeal filed with the Environment Court on Southland Regional Council's decisions to the pSWLP, and the associated notices to become a party to the proceedings of the same; and
- h) The Statements of Evidence in Chief to the appeals, particularly those of Mr Matthew McCallum (on behalf of Southland Regional Council and dated the 14th of December 2018), Mr Ben Farrell (on behalf of Fish and Game and Forest and Bird and dated 17 February 2019), Professor Russel Death (on behalf of Fish and Game and dated the 15th of

⁷ Hereafter referred to as '**the NPS-FM**'.

⁸ Hereafter referred to as '**the RPS**'.

February 2019), Ms Treena Davidson (on behalf of Ngā Rūnanga⁹ and Te Rūnanga O Ngāi Tahu) and Mr John Kyle (on behalf of Alliance Group Limited).

15. At **Annexure B** to my evidence I have attached full versions of the objectives and policies that I refer to from the decisions version of the pSWLP, the NPS-FM, the RPS, and the Canterbury Land and Water Regional Plan.

Executive summary

16. The Topic A hearings address a number of matters that Fish and Game and Forest and Bird have appealed and that Ballance has joined as a party to the appeals (under section 274 RMA). Accordingly, this planning evidence addresses Objectives 2, 6, 7, 13, 13A, 13B, and 18 of the decisions version of the pSWLP; and Policies 4 to 12 and 45 of the same plan.
17. Having considered the statutory planning framework (in particular the NPS-FM and the RPS) I have provided my opinion regarding the most appropriate form that I consider these provisions should take. In particular I consider that:
- a) Objective 2 should remain predominantly as drafted in the decisions version of the pSWLP, while moving the recognition provided to 'primary production' to the end of the objective to avoid the potential for it to be read as enabling primary production in advance of other parts of the Southland Region's economic, social or cultural wellbeing.
 - b) Objective 6 should remain as written in the decisions version of the pSWLP thereby retaining the term 'overall' in recognition that there will likely be temporal and or spatial limitations while in the long term water quality is maintained or improved. Further, that 'numeric bottom lines' should not be adopted into the pSWLP until such times as

⁹ Ngā Rūnanga is the collective of Waihopai Rūnaka, Te Rūnanga O Awarua, Te Rūnanga O Ōraka Aparima, and Hokonui Rūnaka.

they have undergone a full assessment against the necessary provisions of the NPS-FM and the RMA (in particular section 32 of the RMA).

- c) Objective 7 should remain as written in the decisions version of the pSWLP. This reflects that phasing out of over-allocation prior to the identification of Freshwater Management Units¹⁰ (under the requirements of the NPS-FM) and the setting of freshwater quality and quantity limits, targets and timeframes will lead to considerable uncertainty and potentially unnecessary constraints. In essence, before it is possible to commence phasing out overallocation, I consider that the nature and scale of the overallocation needs to be identified. In my opinion there are sufficient provisions in the pSWLP, the RPS and the RMA to ensure that the potential effects of activities are recognised and appropriately managed prior to the establishment of FMU limits, targets and timeframes.
- d) Objectives 13, 13A and 13B should be recombined in to one objective to strengthen the relationship between the provisions and thereby ensure that the use and development of land and soil is only enabled when the matters set out are able to be met.
- e) Objective 18 should be amended to clarify whether it applies to all activities, or just farming activities, and if the former then I support adoption of the term 'good environmental practices' and that a definition for this be included in the pSWLP. Such an amendment will go some way to avoiding the confusion between use of the terms 'best management practice' and 'best practicable option'. Further to this, in my opinion, the components of the definition for 'best practicable option' that are already within the RMA should be included in the definition of 'good environmental practices' (with reasonable modification to recognise its breadth of application).

¹⁰ Hereafter referred to as 'FMU'.

- f) Policies 4 to 12 should remain as written in the decisions version of the pSWLP, with the exception of referring to 'good environmental practices'.
- g) Policy 45 should remain as written within the decisions version of the pSWLP. This reflects my opinion that it is reasonable to expect that there may be situations when provisions in a FMU section of the pSWLP are appropriately less lenient than those that may rest in the regionwide provisions, for example timeframes for meeting targets may be longer in any given FMU due to particular economic and social constraints in the area.

Objective 2

- 18. In its submission on the pSWLP, Ballance requested that Objective 2 be "*strengthened*" to ensure that water and land are sustainably managed to recognise and provide for the economic, social and cultural wellbeing of the region.¹¹
- 19. The decisions version of Objective 2 was strengthened in a manner similar to (though not the same as) that being sought by Ballance, that is through the insertion of the words "*primary production*" and thereby the recognition of the importance of primary production to the economic and social wellbeing of the Southland Region.
- 20. Fish and Game appealed the decisions of the Southland Regional Council and sought to have the words "*primary production and*" deleted from the decisions version of Objective 2¹². Ballance filed a notice to become a party to Fish and Game's appeal. With respect to Objective 2, Ballance opposed the relief sought by Fish and Game, noting that it considered that the proposed inclusion

¹¹ Page 5 of Ballance's Submission to the pSWLP.

¹² Page 12 of Fish and Game's Notice of Appeal.

of the term 'primary production' within the provision recognises the importance of primary production within the Southland Region.¹³

21. At paragraph 70 of Mr Farrell's evidence, Mr Farrell recommends the deletion of the words "*primary production and*" and insertion, at the end of the objective, of the words "*(including productive economic opportunities) within limits*".¹⁴
22. I will first address Mr Farrell's recommendation to delete the words "*primary production and*". In doing so, I note that the NPS-FM includes provisions to 'enable communities to provide for their economic well-being', such as Objectives A4 and B5; and Policies A7, B8 and CA2 of the NPS-FM. I consider that Objective 2 of the decisions version of the pSWLP forms part of the Southland Regional Council's approach to complying with these NPS-FM provisions. In addition to this, the Issues section of the decisions version of the pSWLP specifically recognises soil resources as being "*fundamental to the region's primary production economy*", while then referring to the importance of soil resources to the rest of Southland's economy in the general sense.¹⁵
23. Mr Farrell, at paragraph 57 of his evidence notes that "*There is no comprehensive explanation in the Commissioners Report or the s42A Report why the Objective was modified from the notified version of the plan to specifically refer to 'primary production'*" and I concur with this statement. This leaves me to rely on Paragraphs 36 and 41 of Mr McCallum-Clark's Statement of Evidence, where he states that it is his understanding that the Hearing Panel was aware of the sizable contribution that primary production makes to the Southland Region's economy, and that this is proportionally different to the rest of the country. Mr McCallum-Clark asserts that based on this, the Hearing Panel accepted the relief sought in some submissions to

¹³ Page 3 of Ballance's notice to become a party to proceedings.

¹⁴ Page 21 of the Statement of Evidence filed by Mr Farrell and dated the 17th of February 2019.

¹⁵ Page 16 of the decisions version of the pSWLP.

recognise the primary sector's contribution to Southland's economy within Objective 2.

24. With respect to the pSWLP, I consider that recognition of primary production can be included in Objective 2, particularly since the effects of such activities are managed by the suite of surrounding objectives, policies and rules within the decisions version of the pSWLP that must be read together (for example Objectives 3, 4, 6, 7, 8, 9, 9A, 11, 12, 13A, 13B, 14, 15, 17 and 18; and Policies 3 to 12, 14, 15A, 15B, 15C, 16, 17, 18, 20, 21, 22, 23, 32 and 33). Further, I consider that recognition of primary production within Objective 2 is consistent with Objective WQUAL.1 (d) of the RPS. WQUAL.1 sets the objective of having water quality in the region managed to "*meet the reasonably foreseeable social, economic and cultural needs of future generations*", and primary production is a significant contributor to the economic and social needs of the current community in Southland, and is expected to continue in this regard for the foreseeable future.
25. While I consider that recognition of primary production can be included in Objective 2, I concur with Mr Farrell's opinion that as written the decisions version of Objective 2 could be read as 'recognising' and 'enabling' primary production in advance of the recognition and enablement of other parts of the Southland Region's economic, social or cultural wellbeing. I have looked to the Section 32 Evaluation Report¹⁶, Section 42A Hearing Report¹⁷, and the Report of the Hearings Commissioners¹⁸, to determine if this was intended at any point in the plan making process, and I have seen nothing that leads me to believe that this was the intent of the insertion of the words "*primary production*". Further to this Mr McCallum-Clark's evidence, as previously referred to, does not indicate such an intent.

¹⁶ Evaluation Report: Proposed Southland Water and Land Plan Prepared under Section 32 of the Resource Management Act 1991, dated April 2017.

¹⁷ Hearing Report: Proposed Southland Water and Land Plan Prepared under Section 42A of the Resource Management Act 1991, dated 29 January 2018.

¹⁸ Report and Recommendations of the Hearings Commissioners, dated 29 January 2018.

26. I consider that the amendment recommended by Ms Davidson, in paragraph 59 of her Statement of Evidence¹⁹, being to shift the words “*primary production*” to the end of Objective 2, is a helpful improvement to Objective 2. In this regard, I consider that Ms Davidson’s amendment continues to provide recognition to primary production as a significant part of Southland’s economy, while providing clarity that primary production is not intended to be enabled in advance of other aspects of economic, social and cultural wellbeing.
27. I now consider the latter part of the recommendation of Mr Farrell in paragraph 70 of his Statement of Evidence, that is to insert at the end of Objective 2 the words “(*including productive economic opportunities*) *within limits*”.
28. I am of the opinion that the addition of the words “*including productive economic opportunities*” is unnecessarily duplicative and detracts from the clarity of the Objective. My reasoning is that to enable ‘economic wellbeing’, one must be enabling ‘productive economic opportunities’, that is, activities that contribute to economic productivity. If the words ‘productive economic opportunities’ are instead meant to reflect primary production opportunities, then I again support the recommendation of Ms Davidson that has previously been referred to as I consider Ms Davidson’s recommendation provides greater clarity to the intent of the objective. I am aware that the words “*including productive economic opportunities*” are the same as those used in various provisions of the NPS-FM (such as Objectives A4 and B5; and Policies A7, B8 and CA2 of the NPS-FM), however this does not lead to a requirement to adopt these words verbatim within the pSWLP.
29. I am also of the opinion that insertion of the words “*within limits*” is unnecessary given that Objectives 7 and 8 of the decisions version of the

¹⁹ This evidence was filed on behalf Of Ngā Rūnanga (Waihopai Rūnaka, Te Rūnanga O Awarua, Te Rūnanga O Ōraka Aparima, And Hokonui Rūnaka) And Te Rūnanga O Ngāi Tahu.

pSWLP address 'managing to limits' and the provisions within the pSWLP are to be read together.

30. Given the foregoing, I consider that Objective 2 should be amended to read as follows:

"Water and land are recognised as enablers of the economic, social and cultural wellbeing of the region including primary production".

Objective 6

31. In its submission on the pSWLP, Ballance requested that Objective 6 be more closely aligned to the wording of Objective A2 in the NPS-FM by only requiring improvements in the quality of water where it has been degraded by human activities *"to the point of being over-allocated"*.
32. The decisions version of Objective 6 adopted one change, that being the following insertion:

"There is no reduction in the overall quality of freshwater..."

33. With respect to Objective 6 of the pSWLP, Fish and Game appealed the decision of the Southland Regional Council and sought to have the word *"overall"* deleted from the objective. Forest and Bird also appealed the Council's decision and sought the same change as Fish and Game. Ballance filed notices to become a party to both of these appeals. In this regard, Ballance opposed the relief sought by Fish and Game and Forest and Bird, noting that the deletion of the word 'overall' from the decisions version of Objective 6 could be interpreted as requiring a more stringent threshold for water quality improvement than required by Objective A2 of the NPS-FM

which utilises the word 'overall' with respect to the quality of fresh water within a FMU.

34. The Statement of Evidence filed by Mr Farrell on behalf of Fish and Game and Forest and Bird goes further than deleting the word 'overall' by also recommending that Objective 6 provide *"a reference to region wide numeric outcomes as a bottom line for ecosystem health"*.
35. I will first address the recommendations from Fish and Game and Forest and Bird to remove of the term *"overall"*. In paragraph 81 of Mr Farrell's Statement of Evidence, Mr Farrell has referred to Policy WQUAL.2 of the RPS as specifically directing *"that water quality is to be maintained or improved in all water bodies in the Southland Region"*. I do not consider that Policy WQUAL.2 is as directive as stated by Mr Farrell. My rationale follows.
36. Objective WQUAL.1 sets the water quality goals for the region and these include, amongst other matters, the water quality in the region being maintained, or improved in accordance with freshwater objectives formulated under the NPS-FM. Objective A2 of the NPS-FM requires that the *"overall"* quality of fresh water within a FMU be maintained or improved, and therefore allows councils to adopt a similar approach. On this basis it is possible that the pSWLP could adopt an *'overall'* approach to the maintenance and improvement of water quality when setting freshwater objectives²⁰ for each FMU (through the process set out in section 'CA. National Objectives Framework' within the NPS-FM).
37. Objective WQUAL.2 of the RPS, while focusing on 'halting the decline and improving water quality in lowland water bodies'²¹, also requires that this be achieved *"in accordance with freshwater objectives formulated in accordance*

²⁰ Page 8 of the NPS-FM defines *"Freshwater Objective"* as *"describes an intended environmental outcome in a freshwater management unit"*.

²¹ Lowland water bodies are described as follows on Page 37 of the RPS: *"Lowland water bodies are generally those found on the central plains and coastal areas, where the source rises at low elevations (below 400 metres above sea level)"*.

with the National Policy Statement for Freshwater Management 2014". Such freshwater objectives apply to the FMUs identified in accordance with the NPS-FM. Accordingly, in achieving Objective WQUAL.2, the pSWLP could adopt an *'overall'* approach to the maintenance and improvement of water within each FMU. Consistent with these objectives, Policy WQUAL.1 of the RPS requires the formation of freshwater objectives in accordance with the NPS-FM.

38. Policy WQUAL.2 of the RPS requires that water quality be maintained or improved, having particular regard to nitrogen, phosphorus, sediment and microbiological contaminants. This Policy, and the other policies in the RPS are designed to assist the Southland Regional Council to achieve Objectives WQUAL.1 and WQUAL.2²² and they need to be read together with the other objectives and policies in the RPS. On this basis, it is my opinion that Policy WQUAL.2 could also apply to the maintenance and improvement of the *'overall'* quality of water within each FMU.
39. Use of the term *'overall'* does not necessarily mean trading off the quality of water in one water body, or part of a water body, for another. Rather it can reflect a trend of maintenance or improvement over time. The latter recognises that natural events can result in temporary declines in water quality, that some communities need longer to improve water quality than others (for example, due to economic and social constraints), and that some point source discharges need a zone of reasonable mixing.
40. Without the word *'overall'* in Objective 6 of the pSWLP, the objective is absolute and, in my opinion, is not likely to be achievable. This could lead to unnecessarily restrictive resource consent conditions being applied.
41. If the word *'overall'* is not adopted in Objective 6 of the pSWLP, then in my opinion, an alternative wording is needed to allow for temporary declines in

²² This relationship is confirmed in the *"Explanation/Principal Reasons"* that follows Policy WQUAL.2.

water quality and spatially limited areas of decline. Provision for such declines could be achieved by amendments such as:

“Objective 6...

(a) maintaining, over time and after reasonable mixing, the quality of water...

(b) improving, over time and after reasonable mixing, the quality of water...”

42. However, I favour use of the word ‘overall’ as adopted in the decisions version of the pSWLP (and in the NPS-FM) rather than the option presented in the preceding paragraph as I consider that the use of the term ‘overall’ more succinctly addresses the issue of temporary or spatially limited declines in water quality, while focusing on, over time, maintaining and improving water quality; and for consistency with its current use in the NPS-FM.
43. I now address Mr Farrell’s recommendation that Objective 6 provide “*a reference to region wide numeric outcomes as a bottom line for ecosystem health*”.²³ While Mr Farrell has made this recommendation, he has not provided details on how such “*outcomes*” or “*bottom lines*” would be incorporated into Objective 6.
44. If Mr Farrell is referring to adoption of the numeric outcomes recommended in Section 10 of Professor Death’s Statement of Evidence, I note that Professor Death advises, in Table 5 and paragraph 12.2 of his evidence²⁴, that large portions of Southland’s stream reaches do not currently comply with these recommended outcomes. In my opinion, if these numeric outcomes were to be adopted into the pSWLP and referenced in Objective 6 of the pSWLP, then

²³ Mr Farrell’s recommendation with respect to adopting numeric bottom lines appears to be out of scope for the Group A hearing as this relief is not specifically requested by Fish and Game or the other Appellants on Objective 6 (those being Forest and Bird and Ngā Rūnanga). However, I have set this possibility aside in preparing my evidence.

²⁴ Page 34 of the Statement of Evidence filed by Professor Death and dated the 15th of February 2019.

suitable timeframes and interim water quality targets would be needed to support the achievement of the recommended outcomes over time. Such timeframes would need to reflect the potential impact on economic, social and cultural values, and be assessed in accordance with the matters set out in sections 32 of the RMA.

45. Given that such an assessment has not been undertaken, and associated target timeframes for achieving Professor Death's recommended numeric outcomes have not been defined, I consider that it would be inappropriate to amend Objective 6 to "*reference*" the "*numeric outcomes as a bottom line for ecosystem health*" at this point in time. Rather I note that Objective 7 of the decisions version of the pSWLP provides for the establishment of objectives, limits and timeframes under the FMU process, and I consider that this is a reasonable means for ensuring that any new over-allocation is avoided and any existing over allocation is phased out. This process will include an assessment of the appropriateness of the recommended outcomes and timeframes for achieving them (as required by Policy CA2 of the NPS-FM and section 32 of the RMA).
46. Given the foregoing, I consider that Objective 6 should remain as written in the decisions version of the pSWLP, and for clarity this is as follows:

"There is no reduction in the overall quality of freshwater, and water in estuaries and coastal lagoons, by: (a) maintaining the quality of water in waterbodies, estuaries and coastal lagoons, where the water quality is not degraded; and (b) improving the quality of water in waterbodies, estuaries and coastal lagoons, that have been degraded by human activities."

Objective 7

47. In its submission on the pSWLP, Ballance requested that Objective 7 be amended to ensure that timeframes for addressing over-allocation are established *“collaboratively with affected parties”*.²⁵ Ballance noted that it was important that timeframes for phasing out existing over-allocation were *“fair, reasonable and achievable”*.
48. The decisions version of Objective 7 was amended to ensure that the management of over-allocation is in accordance with the *“freshwater objectives, freshwater quality limits and timeframes established under the Freshwater Management Unit process”*.
49. Fish and Game appealed the decision of the Southland Regional Council and sought that the objective be amended by adding at the end of the objective the words *“or earlier when considering relevant consent applications”*.²⁶ Ballance filed a notice to become a party to Fish and Game’s appeal. In this regard, it opposed the relief sought to Objective 7 by Fish and Game and noted its concern that the relief could lead to uncertainty within the community.²⁷
50. In my opinion, the Fish and Game amendment, as requested within its appeal, could lead to further over-allocation having to be avoided, and existing over allocation having to be phased out, prior to the objectives, limits and timeframes being established under the FMU process. This would be problematic to achieve given that ‘over-allocation’ is to be determined through the FMU process itself.
51. Having said this, I agree with Mr Farrell in so far as he states in paragraph 89 of his Statement of Evidence²⁸ that *“Delaying the phasing out of existing over*

²⁵ Page 6 of Ballance’s submission.

²⁶ Page 13 of Fish and Game’s Notice of Appeal.

²⁷ Page 3 of Ballance’s Notice to Become a Party to the Proceedings with respect to Fish and Game’s appeal.

²⁸ Page 25 of the Statement of Evidence filed by Mr Farrell and dated the 17th of February 2019.

allocation in relation to water quality and quantity in accordance with unspecified timeframes established under the FMU processes, will not maintain and improve water quality in the interim period". Consistent with this sentiment, I consider that the RMA (and associated regulatory and planning documents) does not allow Southland Regional Council to turn away from managing the potential effects of activities that could lead to, or further exacerbate, over-allocation in the period prior to completion of the FMU process. The Council, when making decisions on resource consent applications, will continue to be required to have regard to any actual and potential effects on the environment of activities, the NPS-FM, the RPS and relevant regional plans, amongst other matters (as required by section 104 of the RMA).

52. On this basis I have looked to the surrounding objectives and policies within the decisions version of the pSWLP to determine whether there are sufficient provisions for the management of over-allocation prior to objectives, limits and timeframes being set through the FMU process.
53. I consider that together, the following objectives and policies provide sufficient direction to the interim management of over-allocation (that is prior to the completion of the FMU process):
 - a) Objectives 3, 4, 6, 8, 9, 9A, 11, 12, 13B, 14, 15, 17 and 18; and
 - b) Policies 4 to 12; Policy A4 of the NPS-FM; Policies 14, 15A, 15B, 16, 16A, 17, 17A, 18; Policy B7 of the NPS-FM; and Policies 20, 21, 22, 23, 32 and 33 and 40.
54. For example, Policy A4 of the NPS-FM is incorporated into the decisions version of the pSWLP (on page 30) and addresses the matters that the Southland Regional Council must consider when making a decision on a resource consent application for a discharge in the interim period prior to the development of FMUs and associated freshwater objectives. This includes requiring that, when

considering any application for a discharge, the Southland Regional Council must have regard to the following matters:

- a) *“the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of freshwater including on any ecosystem associated with freshwater”*;
- b) *“the extent to which it is feasible and dependable that any more than minor adverse effect on freshwater, and on any ecosystem associated with freshwater, resulting from the discharge would be avoided”*;
- c) *“the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with freshwater”*; and
- d) *“the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their contact with freshwater resulting from the discharge would be avoided”*.

55. Further, the provisions listed previously in paragraph 52 address, amongst other matters, the potential impacts of activities on the mauri of waterbodies²⁹; tangata whenua values and interests in waterbodies³⁰; aquatic ecosystem health and the life-supporting capacity of waterbodies³¹; the outstanding natural features, landscapes and natural character of waterbodies³²; the reasonable needs of people and communities to provide for their social, economic and cultural wellbeing³³; human health³⁴; and the range and diversity of indigenous ecosystem types and habitats within waterbodies³⁵.

²⁹ For example, Objective 3 of the decisions version of the pSWLP.

³⁰ For example, Objective 4 of the decisions version of the pSWLP.

³¹ For example, Objective 9 of the decisions version of the pSWLP.

³² For example, Objective 9 of the decisions version of the pSWLP.

³³ For example, Objective 9A of the decisions version of the pSWLP.

³⁴ For example, Objective 13B of the decisions version of the pSWLP.

³⁵ For example, Objective 14 of the decisions version of the pSWLP.

56. In addition, Policy 40 requires that during consideration of resource consent applications, and in determining the term of consent, consideration be given to *“the timing of development of FMU sections of this Plan, and whether granting a shorter or longer duration will better enable implementation of the revised frameworks established in those sections”*. This provides the opportunity to grant consents for a shorter-term duration where the risk of new or further over-allocation exists.
57. I now turn my focus to paragraph 96 of Mr Farrell’s Statement of Evidence where, contrary to the relief sought in the appeal lodged by Fish and Game, Mr Farrell recommends amending Objective 7 by adding the words *“or earlier where the resource is being used to a point where a region-wide freshwater numeric outcome(s) are no longer being met”*.³⁶
58. As I have discussed with respect to Objective 6, if Mr Farrell is referring to adoption of the numeric outcomes recommended in Section 10 of Professor Death’s Statement of Evidence, in my opinion, suitable timeframes and interim water quality targets would be needed to support the achievement of the recommended outcomes over time. Such timeframes would need to reflect the potential impact on economic, social and cultural values, as required by Policy CA2 of the NPS-FM and as would be assessed under section 32(1) and 32(2) of the RMA. Given that such an assessment has not yet been undertaken, I consider that it would be inappropriate to amend Objective 7 in the manner proposed by Mr Farrell.
59. Given the foregoing, I consider that Objective 7 should remain as written within the decisions version of the pSWLP, and for clarity this is as follows:

“Any further over-allocation of freshwater (water quality and quantity) is avoided and any existing over-allocation is phased out in accordance with freshwater objectives, freshwater quality limits

³⁶ Page 28 of the Statement of Evidence filed by Mr Farrell and dated the 17th of February 2019.

and timeframes established under Freshwater Management Unit processes.”

Objectives 13, 13A and 13B

60. In its submission on the pSWLP, Ballance requested that Objective 13 remain as notified as it considered that the objective was consistent with the purpose of the RMA.
61. The decisions version of the pSWLP split the notified version of Objective 13 into three separate objectives. Paragraph 5.160 of the Hearing Report³⁷ notes that objectives within a plan are to be read together in their entirety and indicates that it was for this reason that the components of Objective 13 were separated.
62. Fish and Game appealed the decisions of the Southland Regional Council and sought to recombine Objective 13 and to require that “*significant or cumulative*” effects are “*avoided*”, amongst other changes³⁸. Forest and Bird also appealed the decisions of the Southland Regional Council and sought to recombine Objective 13 and to amend the objective to “*avoid irreversible degradation*” of soils and to avoid adverse or cumulative effects on human health and recreation, amongst other changes³⁹. Ballance filed notices to become a party to both of these appeals. In this regard, Ballance opposed the relief sought by Fish and Game and Forest and Bird, and noted that it considered that the relief sought by both parties is not consistent with the RMA.
63. The first matter I will address is whether the components of Objective 13 should be recombined into one objective. In doing so, I note that Section

³⁷ Page 110 of the Hearing Report: Proposed Southland Water and Land Plan Prepared under Section 42A of the Resource Management Act 1991, dated April 2017.

³⁸ Page 14 Fish and Game’s Notice of Appeal.

³⁹ Pages 3 and 4 of Forest and Bird’s Notice of Appeal.

5.3.13 of the s32 Evaluation Report⁴⁰ states the following with respect to Objective 13:

“This objective recognises the importance of soils to the Southland community, particularly in terms of economic, social and cultural outcomes. The pSWLP includes a number of policies and rules in order to protect soils. The protection of soils is a long-established function of the Regional Council, and management also needs to be integrated with water quality management.”

64. Further to this, paragraph 5.159 of the Hearing Report⁴¹ states the following (amongst other matters):

“Objective 13 seeks to ensure that the development of land and soils are enabled provided that particular effects of such activities are avoided, mitigated or remedied”.

65. Accordingly, I see Objective 13 as being closely linked to Southland Regional Council’s responsibility of controlling the use of land for the purposes listed in section 30(1)(c) of the RMA⁴², and controlling the discharges of contaminants into or onto land in accordance with section 30(1)(f) of the RMA, and potentially, for maintaining indigenous terrestrial and aquatic biodiversity in accordance with section 30(1)(gb) of the RMA.

66. On this basis, I concur with the recommendation of Mr Farrell in paragraph 107 of his Statement of Evidence to the extent that Objectives 13, 13A and 13B

⁴⁰ The Evaluation Report: Proposed Southland Water and Land Plan Prepared under Section 32 of the Resource Management Act 1991, dated 2 June 2016.

⁴¹ Hearing Report: Proposed Southland Water and Land Plan Prepared under Section 42A of the Resource Management Act 1991, dated April 2017.

⁴² The purposes listed in section 30(1)(c) of the RMA include soil conservation; the maintenance and enhancement of the quality of water in water bodies and coastal water; the maintenance of the quantity of water in water bodies and coastal water; the maintenance and enhancement of ecosystems in water bodies and coastal water; and the avoidance or mitigation of natural hazards.

should be recombined into one⁴³. In doing so, I acknowledge that the objectives and policies in the pSWLP should be read together, however I consider that the stronger qualifying relationship that was provided in the notified version of Objective 13 has been lost (or at the least diluted) by the separation of the components of Objective 13. That is, the use and development of land and soil was only to be enabled when the matters set out in Objective 13 a), b) and c) were able to be met and I consider that this relationship is clearer when the provisions sit together as one objective.

67. With respect to Objective 13 a), in paragraph 113 of his Statement of Evidence Mr Farrell recommended insertion of the term “*maintained and managed to avoid irreversible degradation*”.⁴⁴ I do not support this recommendation and instead I consider that adoption of the term ‘managed’ is more helpful in this Objective. My rationale is that to maintain the quantity, quality and structure of soils, you are protecting the status quo. The productive value of soils can be increased, and the potential for nutrient leaching and sediment loss can be reduced, through good management of the soils. Accordingly, I consider that a requirement to maintain the status quo is not helpful, while ‘managing’ to avoid irreversible degradation is necessary to ensure sustainable management of natural resources.
68. With respect to Objective 13 c), in paragraph 113 of his Statement of Evidence Mr Farrell recommended adding “*indigenous biological diversity*” and “*recreation*” to the list of values to be “*safeguarded*” or “*enhanced*”. In considering what values need to be provided for within Objective 13 c), I again looked to section 30(1)(c) of the RMA. On this basis I consider that it is appropriate to limit Objective 13 c) to addressing the potential adverse effects of the use and development of land on terrestrial and aquatic indigenous diversity. Matters related to recreation, cultural values, natural character and landscape (within the boundaries of the functions of a regional council) have

⁴³ Page 31 of the Statement of Evidence filed by Mr Farrell and dated the 17th of February 2019.

⁴⁴ Page 32 of the Statement of Evidence filed by Mr Farrell and dated the 17th of February 2019.

been provided for within other objectives in the decisions version of the pSWLP. For example, Objective 16 provides for public access to water bodies, Objective 17 provides for the protection of natural character values of water bodies from inappropriate use and development, and Objective 3 provides for the mauri of water bodies.

69. With respect to Mr Farrell's recommended insertion of the term "*safeguarded*" rather than adopting "*maintained*" (as notified) in Objective 13 c)⁴⁵, I consider that 'maintained' is the appropriate word to use in this instance. My rationale is that 'maintained' (which can reasonably be interpreted to mean keeping something the same) is used in various sections of the RMA, including in the definition of soil conservation⁴⁶, while the term safeguarding (which can reasonably be interpreted to mean the protection of someone or something, or preventing something undesirable) is limited to use in section 5 of the RMA in terms of "*safeguarding the life-supporting capacity of air, water, soil, and ecosystems*". 'Safeguard' is not used in the RMA in terms of protecting values beyond the essential life-supporting capacity of air, water, soil, and ecosystems.⁴⁷
70. With respect to Fish and Game's appeal notice and their recommended changes to Objective 13⁴⁸, in my opinion use of the term "*significant or cumulative*" is unnecessarily constraining. In the first option of relief sought by Fish and Game the three conditions to Objective 13 require that various "*significant or cumulative*" effects are "*avoided*". However, it is possible that cumulative effects may occur without the cumulative effect being considered to be significant, and therefore as written the relief sought would lead to less

⁴⁵ Page 32, paragraph 113 of the Statement of Evidence filed by Mr Farrell on the 17th of February 2019.

⁴⁶ Section 2 of the RMA defines "*soil conservation*" as meaning "*avoiding, remedying, or mitigating soil erosion and maintaining the physical, chemical, and biological qualities of soil*".

⁴⁷ For completeness, I note that "*safeguards*" is used in Clause 6 of Schedule 4 of the RMA with respect to descriptions of the mitigation measures required in assessments of environmental effects. This has its place where a mitigation measure is focused on "*safeguarding the life-supporting capacity of air, water, soil, and ecosystems*".

⁴⁸ Pages 13 and 14 of Fish and Game's Notice of Appeal.

than significant cumulative effects needing to be avoided. Accordingly, I consider that the proposed relief is unnecessarily stringent. Further to this, 'cumulative effects' are part of the definition of "*effect*" in section 3 of the RMA and therefore Objective 13 need only refer to 'significant effects'.

71. For completeness, I note that my preceding comments equally apply to the decisions version of Objective 13B in terms of avoiding uses of land and soils that "*have significant or cumulative effects on human health*", and I am of the opinion that referring to avoiding 'significant effects on human health' is more appropriate.
72. The relief sought in Fish and Game's appeal notice on notified Objective 13 c) (particularly the second version of their relief sought) removes the ability to remedy or mitigate potential adverse effects, and instead requires the avoidance of adverse effects regardless of their scale. As the scale of potential adverse effects on the values identified by Fish and Game can vary, I consider that Objective 13 c) should continue to adopt the options of avoiding, remedying or mitigating adverse effects.
73. Given the foregoing, I consider that Objectives 13, 13A and 13B should be amended by recombining them into one objective and adopting the following wording:

"Enable the use and development of land and soils to support the economic, social, and cultural wellbeing of the region, provided

- a) the quantity, quality and structure of soil resources are managed to avoid irreversible degradation from land use activities and discharges to land;*
- b) the discharge of contaminants to land or water that have significant effects on human health (including significant cumulative effects) are avoided; and*

- c) *adverse effects on terrestrial and aquatic indigenous biological diversity are avoided, remedied or mitigated to ensure these values are maintained or enhanced*".

Objective 18

74. In its submission on Objective 18 of the pSWLP, Ballance requested that a definition of 'good management practice' be included in the plan. The decisions version of the pSWLP has included the following definition of 'good management practices':

"Include, but are not limited to, the practices set out in the various Good Management Practices factsheets available on the Southland Regional Council's webpage".

75. Currently the Southland Regional Council's website includes Good Management Practice factsheets on development of Farm Environmental Management Plans, stock exclusion, riparian management, nutrient management, winter grazing and biodiversity. These fact sheets predominantly refer to practices that reduce sediment, nutrients and bacteria entering waterways. There are currently no Good Management Practice fact sheets addressing activities beyond farming.
76. Fish and Game appealed the decisions of the Southland Regional Council and sought that the objective be replaced with one that requires all activities to implement the *"best practicable option"* to optimise resource use and to achieve the following:

"(a) Soil conservation;
(b) Maintain and improve water quality;
(c) Maintain or improve water quantity; and
(d) Maintain and improve ecosystems in freshwater"

77. Ballance filed a notice to become a party to this appeal point. In this regard Ballance opposed the relief sought by Fish and Game, noting its concern with respect to the uncertainty that may arise from adoption of the term ‘best practicable option’.
78. Based on my experience in the primary sector to date, the terms ‘good management practice’ and ‘best practicable option’ have generally been adopted within this sector to apply to distinctly different parts of the sector. The first being the ‘on-farm’ growing of food and fibre, and the management of associated environmental effects (including the effects of diffuse discharges); and the second being the processing or manufacturing of products from the food and fibre components, and the management of associated environmental effects (including the effects of point source discharges). This understanding is also reflected in Mr Kyle’s Statement of Evidence (at paragraphs 4.2 and 4.6).⁴⁹
79. I note that a definition of “*best practicable option*” in relation to a discharge of a contaminant (or an emission of noise) is provided in section 2 of the RMA, while a definition of ‘good management practices’ (or similar terms) is not. The definition of “*best practicable option*” provided in the RMA does not limit its use to any particular source of the contaminant discharged (for example farming or processing).
80. I also note that the NPS-FM adopts use of the term “*best practicable option*” in Policy A3 where it requires regional councils, where permissible, to make rules requiring the following:

“the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of a contaminant into fresh water, or onto or into land

⁴⁹ Pages 5 and 7 of the Statement of Evidence filed by Mr Kyle and dated the 15th of February 2019.

in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water”

81. The application of Policy A3 of the NPS-FM is not constrained to any particular source of the contaminant discharged. Further the NPS-FM does not adopt the term ‘good management practice’ (or similar terms).
82. The RPS adopts the use of the term “*best practicable option*” only with respect to air quality provisions⁵⁰, while it adopts the term “*good management practices*” in provisions related to reducing the effects of land use on water quality⁵¹ and the activity of gravel removal⁵².
83. There are also examples where regional councils have limited their use of the term ‘best practicable option’ to activities that are not farming related. For example, the operative Canterbury Land and Water Regional Plan uses “*best practicable option*” in Policy 4.14 with respect to managing contaminant plumes; Policy 4.18 with respect to managing discharges related to earthworks, and Policy 4.25 with respect to discharges of hazardous substances. At the same time, this plan also includes Objective 3.24 that reads “*All activities operate at good environmental practice or better to optimise efficient resource use and protect the region’s fresh water resources from quality and quantity degradation*”, while there is no definition of “*good environmental practice*”, or how it differs from “*Good Management Practice*” which is defined in the plan and refers to farming focused “*Industry Agreed Good Management Practices*” or “*best practicable option*”.
84. The preceding paragraphs illustrate the potential for confusion when similar terms are used, often for different purposes, and often without a supporting definition being provided in the plans in which they are used.

⁵⁰ Policy AQ.5 and Method AQ.1 of the RPS.

⁵¹ Methods WQUAL.5, WQUAL.12.

⁵² Methods BRL.6.

85. To establish which is the most helpful term to be referred to in Objective 18, I consider that it is first necessary to determine the intended scope of the application of Objective 18.
86. Paragraph 5.220 of the Hearing Report⁵³ advises that “*Objective 18 recognises an overall aim of the pSWLP to encourage good practice by all water and land users in the region, irrespective of activity status under the pSWLP*”. However, the Report and Recommendations of the Hearing Commissioners⁵⁴ refers to Objective 18 in a number of instances, and in each of these the Commissioners’ comments relate to the management of nutrient losses from farming activities (for example, dairy farming, intensive winter grazing and cultivation).
87. If I was to adopt the assumption that Objective 18 is only intended to apply to ‘all farming activities’ then the current use of the term “good management practice” in the decisions version of Objective 18 is, in my opinion, likely to be well understood and applied to farming activities. If this assumption is adopted, however, I consider that Objective 18 should be amended to improve clarity by inserting the word “*farming*” as follows:
- “All farming activities operate in accordance with good management practice...”*
88. I also consider that the definition of “*Good management practices*” in the decisions version of the pSWLP should be amended to provide greater rigour to the process for recognising such practices. In my opinion, the matters that must be had regard to in the definition of “*best practicable option*” in section 2 of the RMA offers a degree of rigour that could helpfully be adopted in the definition of “*Good management practices*” in the decisions version of the pSWLP.

⁵³ Page 119 of the Hearing Report: Proposed Southland Water and Land Plan Prepared under Section 42A of the Resource Management Act 1991, dated April 2017.

⁵⁴ Report and Recommendations of the Hearings Commissioners, dated 29 January 2018.

89. If I was to adopt the assumption that Objective 18 is intended to apply to all activities (that is farming, manufacturing and beyond), then the current use of the term *“good management practice”* in the decisions version of Objective 18, and its associated definition in the same document, is in my opinion unlikely to meet this intention. I also consider that adoption of the term ‘best practicable option’ (as sought by Fish and Game in their appeal) may be misleading given the understanding of some parts of the community that this term only applies to manufacturing rather than on-farm activities.
90. Accordingly, if Objective 18 is to apply to all activities, then I consider that the objective should be amended to adopt the term ‘good environmental practices’ (I note that this is consistent with the recommendations of Mr Farrell in paragraph 125 of his evidence⁵⁵ and of Mr McCallum-Clark in paragraph 194 of his evidence⁵⁶), and provide a clear definition of this term. I have discarded the option of adopting the term *“best practicable option”* in Objective 18 only for the reason that its definition in section 2 of the RMA is specific to discharges of contaminants and emissions of noise, while Objective 18 in the decisions version of the pSWLP applies to *“efficient resource use, safeguard the life supporting capacity of the region’s land and soils, and maintain or improve the quality and quantity of the region’s water resources”*.
91. With this, I consider that a definition of ‘good environmental practices’ should be adopted in the pSWLP and that this should require that the same matters as listed in the definition of *“best practicable option”* in section 2 of the RMA be had regard to when identifying ‘good environmental practices’, and that, subject to having regard to these matters, ‘good environmental practices’ may include practices identified as such by Southland Regional Council.

⁵⁵ Page 34 of the Statement of Evidence filed by Mr Farrell and dated the 17th of February 2019.

⁵⁶ Page 42 of the Statement of Evidence filed by Mr McCallum-Clarke and dated the 14th of December 2018.

92. I now consider use of the term “*or better*” in Objective 18. It is not clear to me what inclusion of this term is meant to achieve. If a ‘good environmental practice’ is established through a process that incorporates the method set out in the definition of “*best practicable option*” in section 2 of the RMA, then the “*best method for preventing or minimising the adverse effects on the environment*”, subject to having regard to the matters listed in (a), (b) and (c) of the same definition, will have been identified and be expected (through Objective 18, and related policies and rules) to be applied. If it is not possible to determine what “*or better*” involves, or to identify when “*or better*” is being applied, then I consider that the term should be removed from Objective 18.
93. Mr Farrell, in paragraph 133 of his Statement of Evidence has recommended retaining the decisions version of Objective 18 (albeit with the adoption of the term “*good environmental management practice*”) while at the same time adding the new matters sought through the appeal filed by Fish and Game.⁵⁷ I do not support this recommendation. In my opinion, the additional matters duplicate some of the provisions already provided for in the decisions version of Objective 18, and other objectives of the same document, thereby creating uncertainty in implementation of the recommended objective.
94. For example, Mr Farrell’s recommended addition of the words “*(b) Maintain and improve water quality; (c) Maintain or improve water quantity*” is already accommodated in the adoption of “*maintain or improve the quality and quantity of the region’s water resources*” in the decisions version of Objective 18. Further to this, and with respect to Mr Farrell’s recommendation in paragraph 132 of his evidence to adopt the term “*maintain and improve*” (rather than ‘maintain or improve’), I do not support this approach. My rationale is that while the scientific data may indicate that improvements in water quality are needed in the Southland Region, this is not the case in all locations, and even where improvement is needed today, it may not be at

⁵⁷ Page 36 of the Statement of Evidence filed by Mr Farrell and dated the 17th of February 2019.

some point in the future. I consider that it is more helpful to continue to adopt the term “*maintain or improve*” as provided for in the decisions version of the pSWLP, and to rely on the other objectives, such as Objectives 3, 4, 6, 7, 8, 9, and 9A in the decisions version of the pSWLP to guide whether maintenance or improvement is appropriate.

95. With respect to Mr Farrell’s recommended addition of the words “*to achieve (a) Soil conservation*” within Objective 18, I note that “*soil conservation*” is defined in section 2 of the RMA as meaning “*avoiding, remedying, or mitigating soil erosion*”. This implies that soil erosion can span a scale of severity. Based on the components of Objective 18 in the notified version of the pSWLP, I understand Objective 18 to be focusing on high order environmental matters, that is optimising the efficient use of resources, safeguarding the life supporting capacity of the region’s land and soils, and maintaining or improving the quality and quantity of the region’s water resources. It does not appear that Objective 18 is intended to address lessor potential effects of activities such as small-scale soil erosion. On this basis, I do not support inclusion of the term “*soil conservation*” in Objective 18.
96. In addition, with respect to Mr Farrell’s recommended addition of the words “*(d) Maintain and improve ecosystems in freshwater*” within Objective 18, I refer to my earlier rationale⁵⁸ for adopting ‘maintain or improve’ rather than ‘maintain and improve’. At the same time, I support the inclusion of a focus on ‘maintaining or improving freshwater ecosystems’ within Objective 18 as this helps to achieve the purpose of the RMA⁵⁹ which includes (amongst other matters) safeguarding the life-supporting capacity of ecosystems; and to achieve Objective A1 of the NPS-FM which includes (amongst other matters) safeguarding ecosystem processes and indigenous species including their associated ecosystems, and Objective WQUAL.1 of the RPS that includes

⁵⁸ As addressed in paragraph 93 of this Statement of Evidence

⁵⁹ Section 5 of the RMA

(amongst other matters) safeguarding the life-supporting capacity of water related ecosystems.

97. Given the foregoing, if Objective 18 is intended to apply to all activities, I consider that it should be amended to read as follows and include the following definition of “*good environmental practices*”:

Objective 18

“All activities operate in accordance with good environmental practices to optimise efficient resource use, safeguard the life supporting capacity of the region’s land and soils, and maintain or improve the quality and quantity of the region’s water resources and associated ecosystems.”

Definition

*“**Good environmental practices** means the best method for preventing or minimising adverse effects on the environment having regard, among other things, to—*

- (a) The nature of the activity and the sensitivity of the receiving environment to adverse effects; and*
- (b) The financial implications, and the effects on the environment, of that option when compared with other options; and*
- (c) The current state of technical knowledge and the likelihood that the option can be successfully applied.*

This includes but is not limited to any practices set out in the Good Management Practices factsheets available on the Southland Regional Council’s webpage.”

98. For completeness, if Objective 18 is intended to apply only to farming activities, then I consider that it should be amended to read as follows and that the

definition of good management practices should be amended to read as follows:

Objective 18

“All farming activities operate in accordance with the good management practices to optimise efficient resource use, safeguard the life supporting capacity of the region’s land and soils, and maintain or improve the quality and quantity of the region’s water resources and associated ecosystems.”

Definition

*“**Good management practices** means the best method for preventing or minimising adverse effects on the environment having regard, among other things, to—*

- (a) The nature of the activity and the sensitivity of the receiving environment to adverse effects; and*
- (b) The financial implications, and the effects on the environment, of that option when compared with other options; and*
- (c) The current state of technical knowledge and the likelihood that the option can be successfully applied.*

This includes but is not limited to any practices set out in the Good Management Practices factsheets available on the Southland Regional Council’s webpage.”

Policies 4 to 12

99. In its submission on the pSWLP, Ballance sought a number of amendments to Policies 4 to 12 to aid implementation of the policies. The amendments recommended by Ballance addressed matters such as (though not limited to) repetition of related matters within each of the Policies 4 to 12 and use of the term *“strongly discouraging the granting of resource consents”*.

100. The decisions version of Policies 4 to 12 made some amendments to these policies and some of these amendments addressed parts of the concerns raised by Ballance.
101. Fish and Game appealed the decisions of the Southland Regional Council and sought a number of changes, including (amongst other matters) changing the references to *“good management practices”* in Policies 4 to 12 of the decisions version of the pSWLP to read *“the best practicable option”*, and changing the references to *“generally not granting resource consents”* where it is used in the same policies to read *“strongly discouraging the granting of resource consents”*. Ballance filed a notice to become a party to this appeal. In this regard, Ballance opposed the relief sought, noting its concern that the relief could lead to uncertainty with regard to implementation of Policies 4 to 12.
102. Forest and Bird appealed the decisions of the Southland Regional Council and sought a number of changes, including (amongst other matters) amending Policies 4 to 12 of the decisions version of the pSWLP to *“ensure they only provide for activities where water quality will be maintained, or enhanced where degraded”*; delete *“references to ‘generally’ not granting resource consents”*; and *“make dairy farming, intensive winter grazing and cultivation prohibited”* in the Alpine, Old Mataura, Oxidising and Peat Wetland Physiographic Zones. Ballance filed a notice to become a party to this appeal. In this regard, Ballance opposed the relief sought by Forest and Bird, noting its concern that the relief sought could be overly restrictive and inconsistent with the purpose of the RMA.
103. On the matter of adopting the words *“the best practicable option”* in Policies 4 to 12 of the decisions version of the pSWLP, I do not support this relief. I have, in the preceding section of this evidence, outlined my opinion on the challenges posed by the use of either the term ‘good management practices’ or the term ‘the best practicable option’, and my comments in the preceding

section of this evidence also apply to use of either term in Policies 4 to 12 of the pSWLP.

104. Based on my preceding assessment of the use of these terms, and given that the application of Policies 4 to 12 of the decisions version of the pSWLP is not explicitly limited to farming activities, I consider that the term ‘good environmental practices’ should be adopted in Policies 4 to 12 (rather than either of ‘good management practices’ or ‘the best practicable option’) and concurrently that the definition for the term ‘good environmental practices’ as set out in paragraph 96 of this evidence be adopted.
105. I now consider use of the terms ‘generally not granting resource consents’, ‘not granting consents’, ‘strongly discouraging the granting of resource consents’ and ‘prohibiting’.
106. In this regard, I note that “*strongly discouraging the granting of resource consents*” appeared in the notified version of the pSWLP and this was changed to “*generally not granting resource consents*” in the decisions version of the pSWLP. I have looked to the Report and Recommendations of the Hearings Commissioners⁶⁰ for the rationale behind this change. This report limits its comments to the following:

“We are satisfied that physiographic zone-specific policies, such as Policies 9 Old Maitauna and 11 Peat Wetlands, can appropriately direct that specific land use activities should generally not be allowed if they would result in an increase in contaminant losses to water. That policy approach is subtly, but importantly, different from the notified policy approach. Accordingly, we recommend that Policies 9(3) and 11(3) that referred to ‘strongly discouraging’ additional dairy farming or intensive winter grazing are amended to read:

⁶⁰ Report and Recommendations of the Hearings Commissioners, dated 29 January 2018

*decision makers generally not granting resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result of the proposed activity”.*⁶¹

107. I have also looked to the Hearing Report⁶² for any reasoning for the change to the words in the decisions version of Policies 4 to 12. There was no recommendation for such a change within this report, rather this report recommended that Policies 4 to 12 predominantly remain as notified.⁶³
108. Further, Mr Farrell’s evidence appears to provide no reasoning for the relief sought by Fish and Game to change the references to “*generally not granting resource consents*” in the decisions version of Policies 4 to 12 to instead read “*strongly discouraging the granting of resource consents*”. Mr Farrell’s evidence also appears to provide no reasoning for not adopting the relief sought by Fish and Game (in terms of adopting “*strongly discouraging the granting of resource consents*”) and or the relief sought by Forest and Bird (in terms of adopting “*prohibited*”) and instead recommending “*not granting resource consents*”.
109. In the absence of such explanations I now consider the merits of each of the approaches before me, that is adoption of ‘generally not granting resource consents’, or ‘strongly discouraging the granting of resource consents’, or ‘not granting resource consents’, or ‘prohibiting’.
110. Firstly, I do not support use of the phrase ‘not granting resource consents’. My rationale is that if there is an issue that warrants a policy that states that a

⁶¹ Page 26, paragraph 125 of the Report and Recommendations of the Hearings Commissioners, dated 29 January 2018

⁶² Hearing Report: Proposed Southland Water and Land Plan Prepared under Section 42A of the Resource Management Act 1991 April 2017

⁶³ Pages 136 to 144 of the Hearing Report: Proposed Southland Water and Land Plan Prepared under Section 42A of the Resource Management Act 1991 April 2017

resource consent for a certain activity 'cannot be granted' then the policy would be improved by preventing the possibility of an application for such a resource consent. It would not be reasonable for a plan to provide room for an application to be applied for that then cannot be granted. To prevent the possibility of such an application, I consider that it is necessary to be explicit in the policies and associated rules that such activities (that is ones that warrant a policy preventing the granting of a resource consent) are prohibited.

111. With respect to the phrases 'generally not granting resource consents' and 'strongly discouraging the granting of resource consents', I prefer the former as this more closely aligns with the application of a non-complying activity status, and the expectation that where an activity poses a high risk of adverse effects, the level of scrutiny applied to the assessment of the application is correspondingly higher. With respect to use of the term 'strongly discouraging the granting of resource consents', it is unclear what the act of discouraging would involve and how it would influence a resource consent decision making process.
112. This brings me now to consider use of the terms 'prohibited' and 'generally not granting resource consents'. The choice of terms adopted needs to reflect the objectives of the plan. If the scale and certainty of the adverse effects of a particular activity will fundamentally prevent any one of the objectives in the plan from being achieved, then in my opinion it is reasonable to consider adoption of a policy and rule that prohibits the activity.
113. If there is a possibility that the same activity could adopt a particular technology, design or practice (whether it is available today or in the reasonably foreseeable future) to sufficiently avoid, remedy or mitigate the potential effects from the activity, then in my opinion, it is reasonable to consider adoption of a policy and corresponding rule that makes the activity a non-complying activity (or discretionary activity), while at the same time ensuring that there are sufficiently robust objectives and policies to either

enable the granting of the consent (with sound conditions to ensure the potential effects of the activity are avoided, remedied or mitigated) or alternatively to be able to decline the application.

114. Given the forgoing, I do not support the recommendations of Mr Farrell (in paragraph 157 of his Statement of Evidence⁶⁴) with respect to Policy 4 of the decisions version of the pSWLP. In this regard, Mr Farrell's recommendation adopts the existing "*prohibiting*" of dairy farming and intensive winter grazing in the Alpine zone, while recommending a different status, that being "*not granting resource consents*" for cultivation where contaminants may enter water bodies. In my opinion, the rationale for the choice of different terms is not clear in Mr Farrell's evidence. Given that the appeal notices to the decisions of Southland Regional Council indicate little contention with the prohibited status for dairy farming and intensive winter grazing, if the potential effects of cultivation in the Alpine physiographic zone are equivalent to those that may result from dairy farming and intensive winter grazing in the same zone, then it would be appropriate for Policy 4 to also clearly prohibit cultivation in the same zone.
115. If the potential effects of cultivation in the Alpine physiographic zone differ from those that may result from dairy farming and intensive winter grazing in the same zone, then, in my opinion the policy should adopt a term that is not more constraining than "*generally not granting resource consents*".
116. With respect to Policies 5, 9, 10, 11 and 12, I consider adoption of the term "*generally not granting resource consent for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result of the proposed activity*" is reasonable. This would send a clear message to land owners that applications for such activities will be closely scrutinised, while still providing room for granting consents for activities with contaminant losses that can be shown to be consistent with the objectives and

⁶⁴ Page 40 of the Statement of Evidence filed by Mr Farrell and dated the 17th of February 2019

policies. This approach would allow an assessment of proposed activities on a case-by-case basis and would encourage further identification of ‘good environmental practices’ that can enable farming activities to meet the relevant objectives and policies.

117. Given the foregoing, I consider that within each of the Policies 4 to 12 (inclusive) of the decisions version of the pSWLP, all references to “*good management practices*” should be changed to read ‘good environmental practices’ and that a definition for ‘good environmental practices’ should be inserted into the plan as defined in paragraph 96 of this evidence.
118. For completeness, in all other respects I consider that Policies 4 to 12 (inclusive) should remain as they are in the decisions version of the pSWLP.

Policy 45

119. In its submission on the pSWLP, Ballance sought that the notified version of Policy 45 be retained. The decisions version of Policy 45 included amendments that allow the FMUs to include catchment-specific “*values, objectives, policies, attributes, rules and limits*”; and to require that where there is a provision in the FMU section on the same subject matter as in the region-wide sections of the plan, the relevant FMU section prevails, unless it is explicitly stated to the contrary. Ballance has advised me that it supports the decisions version of Policy 45.
120. Fish and Game appealed the decision and are seeking that the policy state that if the pSWLP contains more than one provision on the same subject matter, the relevant FMU section of the pSWLP prevails, unless “*the provision in the relevant Freshwater Management Unit Section of this plan is not more lenient or less protective of water quality, quantity or aquatic ecology than the Region-wide Objectives and Region-wide Policies*”.

121. Ballance filed a notice to become a party to this appeal. In this regard, Ballance opposed the relief sought by Fish and Game, and noted its concerns that the relief sought creates uncertainty in terms of implementing and enforcing compliance with the plan.
122. Mr Farrell, in paragraphs 164 to 174 of his Statement of Evidence⁶⁵, recommends that region wide numeric outcomes for ecosystem health (this is one of the Compulsory National Values for which regional councils must, under Objective CA1 of the NPS-FM, set freshwater objectives) be set now within the pSWLP, and that these become the “*bottom line*” (paragraph 170 of Mr Farrell’s evidence) that any future FMU objectives cannot go below. Mr Farrell indicates (though not explicitly) that his preference is for the ‘bottom lines’ proposed in Professor Death’s evidence to be adopted in the pSWLP.
123. Mr Farrell also suggests that the risk of not adopting such ‘bottom lines’ now is “*that there will be no consistent region-wide approach to prevent water quality from further degradation, and as a result water quality will get worse rather than better*”.
124. While I concur that adoption of region-wide ‘bottom lines’ (by water body type) for the compulsory values identified in the NPS-FM is both necessary under Policy CA2 of the NPS-FM and helpful to achieving the objectives of the pSWLP, I do not support adoption of ‘bottom lines’ that differ from those set in the NPS-FM and at the same time have not undergone a full assessment under section 32 of the RMA in terms of whether they are the most appropriate way to achieve the purpose of the RMA. In my opinion, such an assessment, at the least, should outline why the bottom lines differ from the NPS-FM’s bottom lines, and identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposed region-wide bottom lines. In this

⁶⁵ Pages 45 to 47 inclusive of the Statement of Evidence filed by Mr Farrell and dated the 17th of February 2019

instance, no assessment has been provided of the benefits and costs of the environmental, economic, social, and cultural effects that may result from the adoption of the recommended bottom lines.

125. I do not agree with Mr Farrell's position that "*there will be no consistent region-wide approach to prevent water quality from further degradation, and as a result water quality will get worse rather than better*". Rather, I consider that there are a number of provisions within the decisions version of the pSWLP that help to provide a consistent approach to managing the effects of activities on water quality and assist in preventing the worsening of the Southland Region's water quality. Examples of these include Appendix E and its application through Policies 15A, 15B and 16 and Rules 5 and 19. In addition, Objectives 3, 4, 6, 7, 8, 9, and 9A, and Policies 4 to 12, 14, 16A, 17, 17A, and 18 also help to prevent further degradation of water quality in the region.
126. Further to Mr Farrell's recommendations with respect to adoption of region-wide 'bottom lines', Mr Farrell also recommends that the FMU provisions not be able to be more lenient than the region wide provisions on matters related to the protection of "*water quality, quantity or aquatic ecology*"⁶⁶. This effectively leaves the FMU process only able to result in 'more-protective' provisions (on these matters) than the region-wide section. I do not support this approach. My rationale centres on the requirements set out in section CA. National Objectives Framework of the NPS-FM. This requires councils to set freshwater objectives for specific FMUs while considering matters such as the following:

"iab. how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits;

⁶⁶ Page 47, Paragraph 175 of the Statement of Evidence filed by Mr Farrell and dated the 17th of February 2019.

- i. the current state of the freshwater management unit, and its anticipated future state on the basis of past and current resource use, including community understandings of the health and well-being of the freshwater management unit;*
- ii. the spatial scale at which freshwater management units are defined;*
- iii. the limits that would be required to achieve the freshwater objectives;*
- iv. any choices between the values that the formulation of freshwater objectives and associated limits would require;*
- v. any implications for resource users, people and communities arising from the freshwater objectives and associated limits including implications for actions, investments, ongoing management changes and any social, cultural or economic implications;*
- vi. the timeframes required for achieving the freshwater objectives, including the ability of regional councils to set long timeframes for achieving targets; and*
- vii. such other matters relevant and reasonably necessary to give effect to the objectives and policies in this national policy statement, in particular Objective AA1 and Objective A2.”*

127. Given the matters set out in section CA. of the NPS-FM, in my opinion, it is reasonable to expect that there may be situations when provisions in the FMU sections of the pSWLP are appropriately less lenient than those that may rest in the regionwide provisions. For example, timeframes for meeting particular freshwater targets may appropriately be more lenient in some parts of the region than others based on differing current states of water bodies and the social, cultural or economic implications of meeting water quality or quantity targets within certain timeframes.

128. With respect to Fish and Game's request to delete the explanatory note (or advice note) that appears after Policy 45 in the pSWLP, I consider that there is little merit in either keeping or removing this note. It explains the rationale behind that part of the policy that states that *"It would be unfair if changes are made to Region-wide objectives and policies, which apply in other parts of Southland, without the involvement of those wider communities"* but has little influence on the interpretation or application of the Policy itself. Accordingly, I provide no further opinion on this matter.
129. Given the foregoing, I consider that Policy 45 should remain as written within the decisions version of the pSWLP, and for clarity this is as follows:

"Policy 45 – Priority of FMU values, objectives, policies and rules

In response to Ngāi Tahu and community aspirations and local water quality and quantity issues, FMU sections may include additional catchment-specific values, objectives, policies, attributes, rules and limits which will be read and considered together with the Region-wide Objectives and Regionwide Policies. Any provision on the same subject matter in the relevant FMU section of this Plan prevails over the relevant provision within the Region-wide Objectives and Region-wide Policy sections, unless it is explicitly stated to the contrary.

As the FMU sections of this Plan are developed in a specific geographical area, FMU sections will not make any changes to the Region-wide Objectives or Region-wide Policies."

Conclusion

130. The Topic A hearings address a number of matters that Fish and Game and Forest and Bird have appealed and that Ballance has joined as a party to the appeals (under section 274 RMA). Having considered the provisions that these appeals address (in Topic A), in my opinion the wording of the decisions version

of the pSWLP is largely appropriate and the relief sought by Fish and Game and Forest and Bird should be not be adopted.

131. The exceptions to this position are summarised as follows:

- a) With respect to Objective 2, in my opinion, the term 'primary production' should be moved to the end of the objective to avoid the potential for the objective to be read as enabling primary production in advance of other parts of Southland's economic, social or cultural wellbeing.
- b) With respect to Objectives 13, 13A, and 13B, in my opinion, these provisions should be recombined to form one objective; and be amended to ensure that 'cumulative effects' that are not significant do not need to be avoided (leaving them to be managed in a less constraining manner), and by adding a provision to ensure that the potential effects of the use and development of land and soils on terrestrial and aquatic indigenous biological diversity are avoided, remedied or mitigated.
- c) With respect to Objective 18, in my opinion, this objective should be amended to clarify whether it applies to all activities, or just farming, and a robust definition of good management practices or good environmental practices should be provided.
- d) With respect to Policies 4 to 12, in my opinion, the only amendments needed are changes to reflect the use of 'good management practices' or 'good environmental practices' in a manner consistent with Objective 18.

132. I thank the Court for affording me the time to present this evidence.

A handwritten signature in blue ink, appearing to read 'SR', is positioned above the typed name.

Susan Ruston

22nd of March 2019

Annexure A: Examples of Recent (Past 2 Years) Planning Projects and Processes for Susan Ruston

- a) Assisting Amuri Irrigation Limited with consent applications for water takes and discharges. This included advising on planning matters and drafting of resource consent applications.
- b) Assisting Ballance with submitting on proposed changes to the NPS-FM. This included advising on planning matters and drafting of the submission on behalf of Ballance.
- c) Assisting Ballance with preparation of evidence for hearings on the pSWLP. This involved advising on planning matters.
- d) Assisting Bay of Plenty Regional Council with processing of resource consent applications. This included assessing resource consent applications in accordance with the RMA and providing recommendations to Bay of Plenty Regional Council.
- e) Assisting Clutha District Council with resource consent applications relating to the take of water and discharges of contaminants. This included advising on planning matters and drafting of consent application documents.
- f) Assisting Gisborne District Council with processing of resource consent applications. This included assessing resource consent applications in accordance with the RMA, drafting consent conditions and providing recommendations to Gisborne District Council.
- g) Assisting King Country Energy Limited with submitting on Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments. This included advising on planning matters and drafting of the submission on behalf of Ballance.
- h) Assisting NZSki with an application to change existing consent conditions related to the discharge of contaminants. This included advising on planning matters and drafting of consent application documents.
- i) Assisting Pioneer Energy Limited with an application to change existing consent conditions related to damming and diversion of water. This included advising on planning matters and drafting of consent application documents.
- j) Assisting Simons Pass Station Limited with resource consent applications related to water takes and discharges, discharges of contaminants and earthworks. This included advising on planning matters and drafting of consent application documents.
- k) Assisting Trustpower Limited with an application to change existing consent conditions related to the discharge of water. This included advising on planning matters and drafting of consent application documents.

Annexure B: Planning Provisions Referred to in This Evidence

THE PROPOSED SOUTHLAND WATER AND LAND PLAN**Objective 2**

Water and land is recognised as an enabler of primary production and the economic, social and cultural wellbeing of the region.

Objective 3

The mauri of waterbodies provide for te hauora o te tangata (health and mauri of the people), te hauora o te taiao (health and mauri of the environment) and te hauora o te wai (health and mauri of the waterbody).

Objective 4

Tangata whenua values and interests are identified and reflected in the management of freshwater and associated ecosystems.

Objective 6

There is no reduction in the overall quality of freshwater, and water in estuaries and coastal lagoons, by:

- (a) maintaining the quality of water in waterbodies, estuaries and coastal lagoons, where the water quality is not degraded; and
- (b) improving the quality of water in waterbodies, estuaries and coastal lagoons, that have been degraded by human activities.

Objective 7

Any further over-allocation of freshwater (water quality and quantity) is avoided and any existing over-allocation is phased out in accordance with freshwater objectives, freshwater quality limits and timeframes established under Freshwater Management Unit processes.

Objective 8

- (a) The quality of groundwater that meets both the Drinking Water Standards for New Zealand 2005 (revised 2008) and any freshwater objectives, including for connected surface waterbodies, established under Freshwater Management Unit processes is maintained; and
- (b) The quality of groundwater that does not meet Objective 8(a) because of the effects of land use or discharge activities is progressively improved so that:
 - (1) groundwater (excluding aquifers where the ambient water quality is naturally less than the Drinking Water Standards for New Zealand 2005 (revised 2008)) meets the Drinking Water Standards for New Zealand 2005 (revised 2008); and

- (2) groundwater meets any freshwater objectives and freshwater quality limits established under Freshwater Management Unit processes.

Objective 9

The quantity of water in surface waterbodies is managed so that aquatic ecosystem health, life supporting capacity, outstanding natural features and landscapes and natural character are safeguarded.

Objective 9A

Surface water is sustainably managed to support the reasonable needs of people and communities to provide for their social, economic and cultural wellbeing.

Objective 11

The amount of water abstracted is shown to be reasonable for its intended use and water is allocated and used efficiently.

Objective 12

Groundwater quantity is sustainably managed, including safeguarding the life-supporting capacity, ecosystem processes and indigenous species of surface water bodies where their flow is, at least in part, derived from groundwater.

Objective 13

Enable the use and development of land and soils to support the economic, social, and cultural wellbeing of the region.

Objective 13A

The quantity, quality and structure of soil resources are not irreversibly degraded through land use activities or discharges to land.

Objective 13B

The discharges of contaminants to land or water that have significant or cumulative adverse effects on human health are avoided.

Objective 14

The range and diversity of indigenous ecosystem types and habitats within rivers, estuaries, wetlands and lakes, including their margins, and their life-supporting capacity are maintained or enhanced.

Objective 15

Taonga species, as set out in Appendix M, and related habitats, are recognised and provided for.

Objective 18

All activities operate in accordance with “good management practice” or better to optimise efficient resource use, safeguard the life supporting capacity of the region’s

land and soils, and maintain or improve the quality and quantity of the region's water resources.

Policy 4 – Alpine

In the Alpine physiographic zone, avoid, remedy, or mitigate erosion and adverse effects on water quality from contaminants, by:

1. requiring implementation of good management practices to manage erosion and adverse effects on water quality from contaminants transported via overland flow;
2. having particular regard to adverse effects of contaminants transported via overland flow when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and
3. prohibiting dairy farming and intensive winter grazing, and decision makers generally not granting resource consents for cultivation.

Policy 5 – Central Plains

In the Central Plains physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:

1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage and deep drainage;
2. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage and deep drainage when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and
3. decision makers generally not granting resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result of the proposed activity.

Policy 6 – Gleyed, Bedrock/Hill Country and Lignite-Marine Terraces

In the Gleyed, Bedrock/Hill Country and Lignite-Marine Terraces physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:

1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant; and
2. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans.

Policy 9 – Old Mataura

In the Old Mataura physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:

1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage;
2. having particular regard to adverse effects on water quality from contaminants transported via deep drainage when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and
3. decision makers generally not granting resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result of the proposed activity.

Policy 10 – Oxidising

In the Oxidising physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:

1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant;
2. having particular regard to adverse effects on water quality from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and
3. decision makers generally not granting resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result of the proposed activity.

Policy 11 – Peat Wetlands

In the Peat Wetlands physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:

1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, deep drainage, and lateral drainage;
2. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, deep drainage, and lateral drainage when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and
3. decision makers generally not granting resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result of the proposed activity.

Policy 12 – Riverine

In the Riverine physiographic zone, avoid, remedy, or mitigate adverse effects on water quality from contaminants, by:

1. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant;
2. having particular regard to adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and
3. decision makers generally not granting resource consents for additional dairy farming of cows or additional intensive winter grazing where contaminant losses will increase as a result of the proposed activity.

Policy 14 – Preference for discharges to land

Prefer discharges of contaminants to land over discharges of contaminants to water, unless adverse effects associated with a discharge to land are greater than a discharge to water. Particular regard shall be given to any adverse effects on cultural values associated with a discharge to water.

Policy 15A

Where existing water quality meets the Appendix E Water Quality Standards or bed sediments meet the Appendix C ANZECC sediment guidelines, maintain water quality including by:

1. avoiding, remedying or mitigating the adverse effects of new discharges, so that beyond the zone of reasonable mixing, those standards or sediment guidelines will continue to be met; and
2. requiring any application for replacement of an expiring discharge permit to demonstrate how the adverse effects of the discharge are avoided, remedied or mitigated, so that beyond the zone of reasonable mixing those standards or sediment guidelines will continue to be met.

Policy 15B – Improve water quality where standards are not met

Where existing water quality does not meet the Appendix E Water Quality Standards or bed sediments do not meet the Appendix C ANZECC sediment guidelines, improve water quality including by:

1. avoiding where practicable and otherwise remedying or mitigating any adverse effects of new discharges on water quality or sediment quality that would exacerbate the exceedance of those standards or sediment guidelines beyond the zone of reasonable mixing; and
2. requiring any application for replacement of an expiring discharge permit to demonstrate how and by when adverse effects will be avoided where practicable and otherwise remedied or mitigated, so that beyond the zone of

reasonable mixing water quality will be improved to assist with meeting those standards or sediment guidelines.

Policy 16 – Farming activities that affect water quality

1. Minimising the adverse environmental effects (including on the quality of water in lakes, rivers, artificial watercourses, modified watercourses, wetlands, tidal estuaries and salt marshes, and groundwater) from farming activities by:
 - (a) discouraging the establishment of new dairy farming of cows or new intensive winter grazing activities in close proximity to Regionally Significant Wetlands and Sensitive Waterbodies identified in Appendix A; and
 - (b) ensuring that, in the interim period prior to the development of freshwater objectives under Freshwater Management Unit processes, applications to establish new, or further intensify existing, dairy farming of cows or intensive winter grazing activities will generally not be granted where:
 - (i) the adverse effects, including cumulatively, on the quality of groundwater, or water in lakes, rivers, artificial watercourses, modified watercourses, wetlands, tidal estuaries and salt marshes cannot be avoided or mitigated; or
 - (ii) existing water quality is already degraded to the point of being over-allocated; or
 - (iii) water quality does not meet the Appendix E Water Quality Standards or bed sediments do not meet the Appendix C ANZECC sediment guidelines; and
 - (c) ensuring that, after the development of freshwater objectives under Freshwater Management Unit processes, applications to establish new, or further intensify existing, dairy farming of cows or intensive winter grazing activities:
 - (i) will generally not be granted where freshwater objectives are not being met; and
 - (ii) where freshwater objectives are being met, will generally not be granted unless the proposed activity (allowing for any offsetting effects) will maintain the overall quality of groundwater and water in lakes, rivers, artificial watercourses, modified watercourses, wetlands, tidal estuaries and salt marshes.
2. Requiring all farming activities, including existing activities, to:
 - (a) implement a Farm Environmental Management Plan, as set out in Appendix N; and
 - (b) actively manage sediment run-off risk from farming and hill country development by identifying critical source areas and implementing practices including setbacks from waterbodies, sediment traps, riparian planting, limits on areas or duration of exposed soils and the prevention of stock entering the beds of surface waterbodies; and

- (c) manage collected and diffuse run-off and leaching of nutrients, microbial contaminants and sediment through the identification and management of critical source areas within individual properties.
3. When considering a resource consent application for farming activities, consideration should be given to the following matters:
 - (a) whether multiple farming activities (such as cultivation, riparian setbacks, and winter grazing) can be addressed in a single resource consent; and
 - (b) granting a consent duration of at least 5 years.

Policy 16A

Minimise the adverse environmental effects (including on the quality of water in lakes, rivers, artificial watercourses, modified watercourses, wetlands, tidal estuaries, salt marshes and groundwater) by requiring the adoption of the best practicable option to manage the treatment and discharge of contaminants derived from industrial and trade processes.

Policy 17 – Agricultural effluent management

1. Avoid significant adverse effects on water quality, and avoid, remedy, or mitigate other adverse effects of the operation of, and discharges from, agricultural effluent management systems.
2. Manage agricultural effluent systems and discharges from them by:
 - (a) designing, constructing and locating systems appropriately and in accordance with best practice; and
 - (b) maintaining and operating effluent systems in accordance with best practice guidelines; and
 - (c) avoiding any surface run-off or overland flow, ponding or contamination of water, including via sub-surface drainage, resulting from the application of agricultural effluent to pasture; and
 - (d) avoiding the discharge of untreated agricultural effluent to water.

Note: Examples of best practice referred to in Policy 17(2)(a) for agricultural effluent include IPENZ Practice Note 21: Farm Dairy Effluent Pond Design and Construction and IPENZ Practice Note 27: Dairy Farm Infrastructure.

Note: Examples of best practice guidelines referred to in Policy 17(2)(b) for agricultural effluent include DairyNZ's guidelines A Farmer's Guide to Managing Farm Dairy Effluent Proposed Southland Water and Land Plan (Decisions Version, 4 April 2018) Page 33 – A Good Practice Guide for Land Application Systems, 2015 and A Staff Guide to Operating Your Effluent Irrigation System, 2013.

Policy 17A – Community sewerage schemes and on-site wastewater systems

1. Minimise adverse effects on water quality, and avoid, remedy, or mitigate other adverse effects of the operation of, and discharges from, community sewerage schemes by:

- (a) designing, operating and maintaining community sewerage schemes in accordance with recognised industry standards; and
 - (b) implementing measures to progressively reduce the frequency and volume of wet weather overflows from community sewerage schemes; and
 - (c) ensuring community sewerage schemes are operated and maintained to minimise the likelihood of dry weather overflows occurring.
2. Avoid the discharge of untreated domestic wastewater to water or onto or into land; and avoid, remedy, or mitigate the adverse effects of discharges from on-site wastewater systems; by:
- (a) avoiding any surface run-off or overland flow, ponding, or contamination of water from the application of domestic wastewater to land; and
 - (b) designing, locating and maintaining on-site wastewater systems in accordance with Sections 5 and 6 of the New Zealand Standard AS/NZS 1547:2012 On-site Domestic Wastewater Management.

Policy 18 – Stock exclusion from waterbodies

Reduce sedimentation and microbial contamination of water bodies and improve river (excluding ephemeral rivers) and riparian ecosystems and habitats by:

1. requiring progressive exclusion of all stock, except sheep, from lakes, rivers (excluding ephemeral rivers), natural wetlands, artificial watercourses, and modified watercourses on land with a slope of less than 15 degrees by 2030; and
- 2a. requiring the management of sheep in critical source areas and in those catchments where E.coli levels could preclude contact recreation; and
3. encouraging the establishment and enhancement of healthy vegetative cover in riparian areas, particularly through use of indigenous vegetation; and
4. ensuring that stock access to lakes, rivers (excluding ephemeral rivers), natural wetlands, artificial watercourses and modified watercourses is managed in a manner that avoids significant adverse effects on water quality, bed and bank integrity and stability, mahinga kai, and river and riparian ecosystems and habitats.

Policy 20 – Management of water resources

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

- 1A. recognise that the use and development of Southland’s land and water resources, including for primary production, can have positive effects including enabling people and communities to provide for their social, economic and cultural wellbeing;
1. avoid, remedy or mitigate adverse effects from the use and development of surface water resources on:
 - (a) the quality and quantity of aquatic habitat, including the life supporting capacity and ecosystem health and processes of waterbodies;

- (b) natural character values, natural features, and amenity, aesthetic and landscape values;
 - (c) areas of significant indigenous vegetation and significant habitats of indigenous fauna;
 - (d) recreational values;
 - (e) the spiritual and cultural values and beliefs of tangata whenua;
 - (f) water quality, including temperature and oxygen content;
 - (g) the reliability of supply for lawful existing surface water users, including those with existing, but not yet implemented, resource consents;
 - (h) groundwater quality and quantity;
 - (i) mātaimai, taiāpure and nohoanga;
2. avoid, remedy or mitigate significant adverse effects from the use and development of groundwater resources on:
 - (a) long-term aquifer storage volumes;
 - (b) the reliability of supply for lawful existing groundwater users, including those with existing, but not yet implemented, resource consents;
 - (c) surface water flows and levels, particularly in spring-fed streams, natural wetlands, lakes, aquatic ecosystems and habitats (including life supporting capacity and ecosystem health and processes of waterbodies) and their natural character; and
 - (d) water quality;
 3. ensure water is used efficiently and reasonably by requiring that the rate and volume of abstraction specified on water permits to take and use water are no more than reasonable for the intended end use following the criteria established in Appendix O and Appendix L.4.

Policy 21 – Allocation of water

Manage the allocation of surface water and groundwater by:

1. determining the primary allocation for confined aquifers not identified in Appendix L.5, following the methodology established in Appendix L.6;
2. determining that a waterbody is fully allocated when the total volume of water allocated through current resource consents and permitted activities is equal to either:
 - (a) the maximum amount that may be allocated under the rules of this Plan, or
 - (b) the provisions of any water conservation order;
3. enabling secondary allocation of surface water and groundwater subject to appropriate surface water environmental flow regimes, minimum lake and wetland water levels, minimum groundwater level cutoffs or seasonal recovery triggers, to ensure:
 - (a) long-term aquifer storage volumes are maintained; and
 - (b) the reliability of supply for existing groundwater users (including those with existing resource consents for groundwater takes that have not yet been implemented) is not adversely affected;

4. when considering levels of abstraction, recognise the need to exclude takes for non-consumptive uses that return the same amount (or more) water to the same aquifer or a hydraulically connected lake, river, modified watercourse or natural wetland.

Policy 22 – Management of the effects of groundwater and surface water use

Manage the effects of surface and groundwater abstractions by:

- (1) avoiding allocating water to the extent that the effects on surface water flow would not safeguard the mauri of that waterway and mahinga kai, taonga species or the habitat of trout and salmon;
2. ensuring interference effects are acceptable, in accordance with Appendix L.3;
3. utilising the methodology established in Appendix L.2 to:
 - (a) manage the effects of consented groundwater abstractions on surface waterbodies; and
 - (b) assess and manage the effects of consented groundwater abstractions in groundwater management zones other than those specified in Appendix L.5.

Policy 23 – Stream depletion effects

Manage stream depletion effects resulting from groundwater takes which are classified as having a Riparian, Direct, High or Moderate hydraulic connection, as set out in Appendix L.2 Table L.2, to ensure the cumulative effect of those takes does not:

- (1) exceed any relevant surface water allocation regime (including those established under any water conservation order) for groundwater takes classified as Riparian, Direct, High or Moderate hydraulic connection; or
- (2) result in abstraction occurring when surface water flows or levels are less than prescribed minimum flows or groundwater levels for takes classified as Riparian, Direct or High hydraulic connection.

Policy 40 – Determining the term of resource consents

When determining the term of a resource consent consideration will be given, but not limited, to:

- (1) granting a shorter duration than that sought by the applicant when there is uncertainty regarding the nature, scale, duration and frequency of adverse effects from the activity or the capacity of the resource;
- (2) relevant tangata whenua values and Ngāi Tahu indicators of health;
- (3) the duration sought by the applicant and reasons for the duration sought;
- (4) the permanence and economic life of any capital investment;
- (5) the desirability of applying a common expiry date for water permits that allocate water from the same resource or land use and discharges that may affect the quality of the same resource;

- (6) the applicant's compliance with the conditions of any previous resource consent, and the applicant's adoption, particularly voluntarily, of good management practices; and
- (7) the timing of development of FMU sections of this Plan, and whether granting a shorter or longer duration will better enable implementation of the revised frameworks established in those sections.

Policy 45 – Priority of FMU values, objectives, policies and rules

In response to Ngāi Tahu and community aspirations and local water quality and quantity issues, FMU sections may include additional catchment-specific values, objectives, policies, attributes, rules and limits which will be read and considered together with the Region-wide Objectives and Region wide Policies. Any provision on the same subject matter in the relevant FMU section of this Plan prevails over the relevant provision within the Region-wide Objectives and Region-wide Policy sections, unless it is explicitly stated to the contrary.

As the FMU sections of this Plan are developed in a specific geographical area, FMU sections will not make any changes to the Region-wide Objectives or Region-wide Policies.

Note: *It would be unfair if changes are made to Region-wide objectives and policies, which apply in other parts of Southland, without the involvement of those wider communities.*

Discharge Rules

Rule 5 – Discharges to surface waterbodies

- (a) Except as provided for elsewhere in this Plan the discharge of any:
 - (i) contaminant, or water, into a lake, river, artificial watercourse, modified watercourse or natural wetland; or
 - (ii) contaminant onto or into land in circumstances where it may enter a lake, river, artificial watercourse, modified watercourse or natural wetland;

is a discretionary activity provided the following conditions are met:

- (1) where the water quality upstream of the discharge meets the standards set for the relevant water body in Appendix E “Water Quality Standards”, the discharge does not reduce the water quality below those standards at the downstream edge of the reasonable mixing zone; or
- (2) where the water quality upstream of the discharge does not meet the standards set for the relevant water body in Appendix E “Water Quality Standards”, the discharge must not further reduce the water quality below those standards at the downstream edge of the reasonable mixing zone; and
- (3) except for discharges from a territorial authority reticulated stormwater or wastewater system, the discharge does not contain any raw sewage.

Glossary

Good management practices

Include, but are not limited to, the practices set out in the various Good Management Practices factsheets available on the Southland Regional Council's webpage.

NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT

Objective A1

To safeguard:

- (a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and
- (b) the health of people and communities, as affected by contact with fresh water; in sustainably managing the use and development of land, and of discharges of contaminants.

Objective A2

The overall quality of fresh water within a freshwater management unit is maintained or improved while:

- a) protecting the significant values of outstanding freshwater bodies;
- b) protecting the significant values of wetlands; and
- c) improving the quality of fresh water in water bodies that have been degraded by human activities to the point of being over-allocated.

Objective A4

To enable communities to provide for their economic well-being, including productive economic opportunities, in sustainably managing freshwater quality, within limits.

Policy A1

By every regional council making or changing regional plans to the extent needed to ensure the plans:

- a) establish freshwater objectives in accordance with Policies CA1-CA4 and set freshwater quality limits for all freshwater management units in their regions to give effect to the objectives in this national policy statement, having regard to at least the following:
 - i) the reasonably foreseeable impacts of climate change;
 - ii) the connection between water bodies; and
 - iii) the connections between freshwater bodies and coastal water; and
- b) establish methods (including rules) to avoid over-allocation.

Policy A3

By regional councils:

- a) imposing conditions on discharge permits to ensure the limits and targets specified pursuant to Policy A1 and Policy A2 can be met; and
- b) where permissible, making rules requiring the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of a contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.

Policy A4 and direction (under section 55) to regional councils

By every regional council amending regional plans (without using the process in Schedule 1) to the extent needed to ensure the plans include the following policy to apply until any changes under Schedule 1 to give effect to Policy A1 and Policy A2 (freshwater quality limits and targets) have become operative:

1. *“When considering any application for a discharge the consent authority must have regard to the following matters:*
 - a. *the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and*
 - b. *the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided*
2. *When considering any application for a discharge the consent authority must have regard to the following matters:*
 - a. *the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their contact with fresh water; and*
 - b. *the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their contact with fresh water resulting from the discharge would be avoided.*
3. *This policy applies to the following discharges (including a diffuse discharge by any person or animal):*
 - a. *a new discharge or*
 - b. *a change or increase in any discharge – of any contaminant into fresh water, or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water*
4. *Paragraph 1 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.*

5. *Paragraph 2 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 takes effect.”*

Policy A7

By every regional council considering, when giving effect to this national policy statement, how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits.

Objective B5

To enable communities to provide for their economic well-being, including productive economic opportunities, in sustainably managing fresh water quantity, within limits.

Policy B7 and direction (under section 55) to regional councils

By every regional council amending regional plans (without using the process in Schedule 1) to the extent needed to ensure the plans include the following policy to apply until any changes under Schedule 1 to give effect to Policy B1 (allocation limits), Policy B2 (allocation), and Policy B6 (over allocation) have become operative:

1. *When considering any application the consent authority must have regard to the following matters:*
 - a. *the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem and*
 - b. *the extent to which it is feasible and dependable that any adverse effect on the life supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.*
2. *This policy applies to:*
 - a. *any new activity and*
 - b. *change in the character, intensity or scale of any established activity – that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out).*
3. *This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011.”*

Policy B8

By every regional council considering, when giving effect to this national policy statement, how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits.

CA National Objectives Framework**Objective CA1**

To provide an approach to establish freshwater objectives for national values, and any other values, that:

- a) is nationally consistent; and
- b) recognises regional and local circumstances.

Policy CA2

By every regional council, through discussion with communities, including tangata whenua, applying the following processes in developing freshwater objectives for all freshwater management units:

- a) considering all national values and how they apply to local and regional circumstances;
- b) identifying the values for each freshwater management unit, which
 - i. must include the compulsory values; and
 - ii. may include any other national values or other values that the regional council considers appropriate (in either case having regard to local and regional circumstances); and
- c) identifying:
 - i. for the compulsory values or any other national value for which relevant attributes are provided in Appendix 2:
 - A. the attributes listed in Appendix 2 that are applicable to each value identified under Policy CA2(b) for the freshwater body type; and
 - B. any other attributes that the regional council considers appropriate for each value identified under Policy CA2(b) for the freshwater body type; and
 - ii. for any national value for which relevant attributes are not provided in Appendix 2 or any other value, the attributes that the regional council considers appropriate for each value identified under Policy CA2(b) for the freshwater body type;
- d) for those attributes specified in Appendix 2, assigning an attribute state at or above the minimum acceptable state for that attribute;
- e) formulating freshwater objectives:

- i. in those cases where an applicable numeric attribute state is specified in Appendix 2, in numeric terms by reference to that specified numeric attribute state; or
- ii. in those cases where the attribute is not listed in Appendix 2, in numeric terms where practicable, otherwise in narrative terms;
- ii.a. in those cases where a freshwater objective seeks to maintain overall water quality in accordance with Objective A2, by every regional council ensuring:
 - A. where an attribute is listed in Appendix 2, that freshwater objectives are set at least within the same attribute state as existing freshwater quality; and
 - B. where an attribute is not listed in Appendix 2, that freshwater objectives are set so that values identified under Policy CA2(b) will not be worse off when compared to existing freshwater quality; and
- iii. on the basis that, where an attribute applies to more than one value, the most stringent freshwater objective for that attribute is adopted; and
- f) considering the following matters at all relevant points in the process described in Policy CA2(a)-(e):
 - iaa. how to improve the quality of fresh water so it is suitable for primary contact more often, unless regional targets established under Policy A6(b) have been achieved or naturally occurring processes mean further improvement is not possible;
 - iab. how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits;
 - i. the current state of the freshwater management unit, and its anticipated future state on the basis of past and current resource use, including community understandings of the health and well-being of the freshwater management unit;
 - ii. the spatial scale at which freshwater management units are defined;
 - iii. the limits that would be required to achieve the freshwater objectives;
 - iv. any choices between the values that the formulation of freshwater objectives and associated limits would require;
 - v. any implications for resource users, people and communities arising from the freshwater objectives and associated limits including implications for actions, investments, ongoing management changes and any social, cultural or economic implications;
 - vi. the timeframes required for achieving the freshwater objectives, including the ability of regional councils to set long timeframes for achieving targets; and

- vii. such other matters relevant and reasonably necessary to give effect to the objectives and policies in this national policy statement, in particular Objective AA1 and Objective A2.

SOUTHLAND REGIONAL POLICY STATEMENT 2017

Objective WQUAL.1 – Water quality goals

Water quality in the region:

- (a) safeguards the life-supporting capacity of water and related ecosystems;
- (b) safeguards the health of people and communities;
- (c) is maintained, or improved in accordance with freshwater objectives formulated under the National Policy Statement for Freshwater Management 2014;
- (d) is managed to meet the reasonably foreseeable social, economic and cultural needs of future generations.

Objective WQUAL.2 – Lowland water bodies

Halt the decline, and improve water quality in lowland water bodies and coastal lakes, lagoons, tidal estuaries, salt marshes and coastal wetlands in accordance with freshwater objectives formulated in accordance with the National Policy Statement for Freshwater Management 2014.

Policy WQUAL.2 – All waterbodies

Maintain or improve water quality, having particular regard to the following contaminants:

- (a) nitrogen;
- (b) phosphorus;
- (c) sediment;
- (d) microbiological contaminants.

Explanation/Principal Reasons

The major contaminants of concern in relation to water quality in Southland are those listed in Policy WQUAL.2, which arise from both point-source and non-point source discharges. Point-source discharges of contaminants, such as those from wastewater treatment plants, industrial sites and production land contribute to levels of nitrogen, phosphorus, sediment and microorganisms in surface water and groundwater. Non-point source discharges from land use activities contribute contaminants to groundwater, and contaminated groundwater can then affect surface water quality. Method WQUAL.1 provides for timeframes for improvements to meet freshwater objectives.

Managing activities that give rise to these contaminants will assist the Southland Regional Council to meet Objectives WQUAL.1 and WQUAL.2. Without this management it will not be possible to maintain water quality throughout the region.

Depending on the water quality issue and its causes in any given catchment, improvements in water quality may take some time to be realised.

Policy WQUAL.2 lists the priority contaminants that need to be addressed. Additional contaminants may also need to be focused on in some areas.

Method WQUAL.5 – Information and advice

Provide information and advice to territorial authorities, consent holders and the community on good management practices to reduce the effects of land use on water quality.

Method WQUAL.12 – Good management practice

Provide information and advice to the community on land management practices that will assist to maintain or improve water quality, and align this advice with industry resources and programmes where appropriate.

Policy AQ.5 – Promote best practicable option

Promote and facilitate the adoption of the best practicable option to improve air quality.

Method AQ.2 – Research and monitoring

Research, monitor and report on air quality indicators as necessary to:

- (a) identify changes to air quality in airsheds;
- (b) achieve compliance with relevant national air quality standards;
- (c) establish and monitor new airsheds as necessary;
- (d) ensure consented discharge activities comply with consent conditions;
- (e) maintain effective conditions or review as necessary to improve ambient air quality.

Method BRL.6 – Information, education and technical assistance

Provide information and technical support to territorial authorities, consent holders and the community to:

- (a) increase awareness of:
 - (i) the effects of gravel extraction activities;
 - (ii) the effects of rivers on adjoining private land and infrastructure on public land, and how these effects can be managed by, for example, appropriate gravel extraction activities;
 - (iii) how gravel resources can be sustainably managed including information on where and in what quantities of gravel can be extracted;
- (b) promote and support good management practices for gravel removal.

CANTERBURY LAND AND WATER REGIONAL PLAN

Section 3 Objectives

...

- 3.24 All activities operate at good environmental practice or better to optimise efficient resource use and protect the region's fresh water resources from quality and quantity degradation.

Discharges of Contaminants to land or water

- 4.14 Any discharge of a contaminant into or onto land where it may enter groundwater (excluding those passive discharges to which Policy 4.26 applies):
- a. will not exceed the natural capacity of the soil to treat or remove the contaminant; and
 - b. will not exceed available water storage capacity of the soil; and
 - c. where meeting (a) and (b) is not practicable, the discharge will:
 - i. meet any nutrient limits in Schedule 8 or Sections 6 to 15 of this Plan; and
 - ii. utilise the best practicable option to ensure the size of any contaminant plume is as small as is reasonably practicable; and
- ...

Earthworks, land excavation and deposition of material into land over aquifers

- 4.18 The loss or discharge of sediment or sediment-laden water and other contaminants to surface water from earthworks, including roading, works in the bed of a river or lake, land development or construction, is avoided, and if this is not achievable, the best practicable option is used to minimise the loss or discharge to water.

Hazardous Substances & hazardous activities

- 4.25 Unless the substance is approved under the Hazardous Substances and New Organisms Act 1996 to be applied onto land or into water, activities involving the use, storage or discharge of hazardous substances will be undertaken using the best practicable option to...