

Proposed Marlborough Environment Plan

Section 42A Hearings Report for Hearing Commencing

3 October 2018

Report dated 10 September 2018

**Report on submissions and further submissions
topic: Water Quality**

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List of Abbreviations

Accolade	Accolade Wines New Zealand Limited
AER	Anticipated environmental result
AQNZ	Aquaculture NZ
Aquanort Pools	Greg Norton Limited Trading as Aquanort Pools
AWUG	Awatere Water Users Group
BRIL	Blind River Irrigation Limited
Chamber	Marlborough Chamber of Commerce
Constellation	Constellation Brands New Zealand Limited
DOC	Department of Conservation
EDS	Environmental Defence Society Incorporated
Environment Centre	The Marlborough Environment Centre Incorporated
Federated Farmers	Federated Farmers of NZ
FENZ	Fire and Emergency New Zealand
Fertiliser Assn	The Fertiliser Association of NZ
Fish and Game	Nelson Marlborough Fish and Game
Fishing Industry	The Fishing Industry Submitters
FMU	Freshwater Management Unit
Fonterra	Fonterra Co-operative Group Limited
Forest and Bird	Royal Forest and Bird Protection Society of NZ Incorporated
Friends	Friends of Nelson Haven and Tasman Bay Incorporated
GPA	Groundwater Protection Area
HAIL	Hazardous Activities and Industries List
HSNO	Hazardous Substances and New Organisms Act 1996
Irrigation NZ	Irrigation New Zealand Incorporated
KCSRA	Kenepuru & Central Sounds Residents Association Incorporated
KiwiRail	KiwiRail Holdings Limited
Lion	Lion - Beer, Spirits & Wine (NZ) Limited
MDC	Marlborough District Council
MEP	Proposed Marlborough Environment Plan
MFA	Marine Farming Association
MFIA	Marlborough Forest Industry Association
MSRMP	Marlborough Sounds Resource Management Plan
Mt Zion	Mt Zion Charitable Trust and Scholefield, A M and W W
NESPF	National Environmental Standards for Plantation Forestry 2017
Ngāi Tahu	Te Rūnanga o Kaikōura and Te Runanga o Ngāi Tahu
Ngāti Kuia	Te Rūnanga O Ngāti Kuia

NMDHB	Nelson Marlborough District Health Board
North Rarangi WS	North Rarangi Water Supply Incorporated
NPSFM	National Policy Statement on Freshwater Management 2014
NPSET	National Policy Statement on Electricity Transmission 2008
NZ	New Zealand
NZDF	NZ Defence Force
NZTA	NZ Transport Agency
NZ Deer Farmers	New Zealand Deer Farmers Association - Marlborough Branch
NZ Forest Products	NZ Forest Products Holdings Limited
NZ Pork	NZ Pork Industry Board
Oil Companies	Z Energy Limited, Mobil Oil New Zealand Limited and BP Oil Limited
Okiwi Bay Ratepayers	Okiwi Bay Ratepayers Assn Inc
Panel	MEP Hearings Panel
Pernod Ricard	Pernod Ricard Winemakers NZ Limited
PIP	Progressive Implementation Programme (<i>under the NPSFM</i>)
Port Marlborough	Port Marlborough of NZ Limited
QCS Residents	Queen Charlotte Sound Residents Association
Rarangi Residents	Rarangi District Residents Association
Rarangi North WS	North Rarangi Water Supply Incorporated
RMA	Resource Management Act 1991
RPS	Regional Policy Statement
Save the Wairau	Save the Wairau River Incorporated
Surveyors	New Zealand Institute of Surveyors
Transpower	Transpower New Zealand Limited
Te Ātiawa	Te Ātiawa o Te Waka-a-Māui
WARMP	Wairau/Awatere Resource Management Plan
Wilhelmus/Ormond	P Wilhelmus and Ormond Aquaculture Limited
WRU	Water Resource Unit
Yachting NZ	Yachting New Zealand Incorporated

Introduction

1. Our names are Rachel Anderson and Peter Hamill.
2. Rachel is a Policy Portfolio Manager in the Environmental Policy Group at the Marlborough District Council. Rachel's qualifications and experience are as follows:
 - Bachelor of Science – Geology and Geography;
 - 14 years experience in resource management.
3. Rachel was involved in the preparation of the Proposed Marlborough Environment Plan (MEP) in her role as Policy Portfolio Manager. Of particular relevance to this hearing topic, Rachel had a minor role in the Volume 1, Chapter 15 provisions, however was more involved in the development of the Volume 2, 3 and 4 provisions/maps relating to water quality.
4. Peter Hamill has been employed by Marlborough District Council as the Team Leader - Land and Water in Council's Environmental Science and Monitoring Group since June 2017. Previous to this position Peter has held the following positions since his employment at the Marlborough District Council began in 1994 –Senior Environmental Scientist, Environmental Scientist - Aquatic Biota, Policy Analyst - Information Management, Resource Information Officer and Consents Officer.
5. Peter's qualifications and experience are as follows:
 - Bachelor of Science and Post-Graduate Diploma in Science (University of Otago, 1989);
 - Involvement with the Council's Significant Natural Areas programme since its inception and was involved with the development of the criteria for determining significance used in the SNA programme. Peter was the lead in the identification and assessment of significance of wetlands across Marlborough and has personally visited over 200 wetlands and assessed them in relation to the assessment criteria.
6. Peter was involved in the preparation of the MEP in a limited context by providing information and specialist advice to the Environmental Policy Group on areas where he has expertise, mainly in relation to biodiversity, wetlands and freshwater management.
7. We have read Council's Section 32 report relating to Water Quality.

Code of Conduct

8. We confirm that we have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and agree to comply with it.
9. We confirm that we have considered all the material facts that we are aware of that might alter or detract from the opinions that we express, and that this evidence is within our area of expertise, except where we state that we are relying on the evidence of another person.
10. We are authorised to give this evidence on the Council's behalf.

Scope of Hearings Report

11. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA).

12. In this report we assess and provide recommendations to the Hearing Panel on submissions made on the following –
 - Chapter 15 (Resource Quality) of Volume 1 general submissions on water quality;
 - Policy 23 of the water quality provisions in Chapter 15 (Resource Quality) of Volume 1;
 - Method 15.M.6 of the water quality provisions in Chapter 15 (Resource Quality) of Volume 1;
 - the rules in Volume 2 for discharges to water and stock crossings;
 - definitions associated with the above.
13. A number of submissions received requested information, made statements or asked questions but did not seek any relief in their submission. Where it has been possible to infer what relief might be sought, the submissions have been included in the body of the report and assessed accordingly. However, for some submissions inference could not be made and therefore for those points, neither an assessment or a recommendation is possible. Submission points of this nature are in the table in Appendix 1 with notations in the Recommendation column such as, “*Not applicable as no relief sought*”, “*Not applicable as no assessment possible*” or “*Not applicable as only information sought*”.
14. As submitters who indicate that they wish to be heard are entitled to speak to their submissions and present evidence at the hearing, the recommendations contained within this report are preliminary, relating only to the written submissions.
15. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.

Further Submissions

16. Due to the volume of submissions to be considered for this hearing topic, further submissions are not discussed within the report unless they are particularly specific in responding to a submission point.
17. Many further submissions received are broadly made on all of the submissions of a particular entity and on a point-by- point basis are often not relevant or present conflicting positions.

Overview of Provisions Development

18. A detailed description of the process of review is set out on pages 7-17 of the Section 32 report for water quality. The process is summarised here.
19. The objectives set for water quality in Marlborough are intended to ensure that the values of freshwater water bodies and the coastal marine can continue to be supported in the future. The Council worked with others, and consulted with the community, to review and update the values recorded in the operative resource management plans. This process was necessary to ensure that appropriate freshwater objectives were established. These values are included in Appendix 5 of Volume 3 of the MEP.

20. The results of state of the environment monitoring over many years helped to inform the process of setting the fresh water objectives. The monitoring determined the current state of water quality.
21. The operative plans classified the waters to reflect the identified values and each classification has an accompanying set of water quality standards. The operative standards were reviewed by experts and updated where necessary. The provisions for point source discharges in the MEP are designed to ensure the attainment of the reviewed water quality standards.
22. The review involved a considerable body of other technical work to support the notified provisions. This included:
 - Establishing groundwater protection areas;
 - Evaluating the natural character of selected rivers;
 - Assessing the effect of stock access to rivers.
23. The development of the Council's Stormwater Strategy also assisted to complete the provisions for managing the adverse effects of stormwater.
24. The process of consulting the community was particularly influential in shaping the water quality provisions. Some of the policies applying stringent management to the discharge of particular types of contaminants or discharges to particular environments were partly informed by the acceptability of those discharges to the Marlborough community.
25. During the development of the notified provisions, the National Policy Statement for Freshwater Management came into effect. The NPSFM was first gazetted in 2011. It was then regazetted in 2014. The updated document introduced a framework for setting freshwater objectives and required regional councils and unitary authorities to set freshwater objectives, including objectives for two compulsory values: ecosystem health and human health for recreation. Finally, amendments were made to the NPSFM in 2017. These changes required the overall water quality to be maintained or improved within a freshwater management unit and introduced national swimming targets. The updates of the NPSFM had an effect on the development of the notified provisions, particularly in terms of setting freshwater objectives for Marlborough.

Statutory Documents

26. The statutory documents relevant to the higher level provisions that the rules and standards discussed in this report implement are set out in the section 32 report entitled "Chapter 15: Resource Quality - Water.

Analysis of submissions

27. This report contains assessments and recommendations relating to specific submission points as listed in Appendix 1 and referenced throughout the report.
28. There are some submission points that do not seek a specific decision, and for which one cannot be inferred. Due to their nature no recommendation can be made therefore they are labelled "not applicable" in the recommendation column of the table in Appendix 1.

Key Matters

29. The analysis of the submissions points are set out by matter under the headings below:

Matter 1: Management of point source discharges to water.

Matter 2: Submissions not covered elsewhere.

Pre-hearing meetings

30. There have been no pre-hearing meetings for this topic.

Matter 1: Management of point source discharges to water.

Submissions and Assessment

31. Submissions on Policy 23 and Method 15.M.6 are the only Volume One submissions considered in this report, the remainder of the submissions on the Volume One provisions covered by this hearing topic were considered in the first s42a report “Resource Quality – Water”.
32. Submissions on Volume 2 provisions relating to stock access to riverbeds are considered in this report – this includes rules, standards and definitions.

Policy 15.1.23

33. Policy 15.1.23 reads as follows –

“Avoid the discharge of animal effluent to fresh waterbodies and stock disturbance of river beds to the extent necessary to meet the management purposes established by Policy 15.1.1, by:

- (a) preventing the direct discharge of collected animal effluent to water; and*
(b) avoiding the access of intensively farmed stock to rivers”.

34. There are five submissions¹ that support Policy 15.1.23 and seek its retention as notified.
35. The writers are of a view that this Policy should be separated into two policies. The overall content will remain the same, but the split would see a Policy as it relates to the activities under (a) remain as Policy 15.1.23 and stay in its current location but a Policy as it relates to the activities under (b) become a new policy and be inserted into the section of Chapter 15 headed “*Management of non-point discharges*”. This would more accurately reflect the Council’s view that discharges directly from animals are a non-point source discharge that is an effect of a land use activity, i.e. stock entering onto or passing across the bed of a river. It is proposed that essentially paragraph one of the explanation would remain with the revised Policy 15.1.23, and paragraphs two and three of the explanation would be associated with the new policy. It is the view of the writers that as this is a reorganisation and no content is changed, it can be done as a minor amendment. The full text of the revised policies has been included in the recommendations section.

36. The Ngāti Kuia submission (501.077) seeks amendments of Policy 15.1.23 as follows –

*“Avoid the discharge of animal effluent to fresh waterbodies and stock disturbance of river beds **and margins** to the extent necessary to meet the management purposes established by Policy 15.1.1, by:*

- (a) preventing the direct discharge of collected animal effluent to water; and*
*(b) avoiding the access of ~~intensively~~ **all** farmed stock to rivers”.*

The submitter does not provide any explanation for the changes sought. The writers are not clear what including the margins would mean in a practical sense, for example, what specifically denotes “*the margin*”. There is also no information in the submission to show that stock not covered by the definition of “*intensively farmed livestock*” need to be prohibited from entering onto or passing across a riverbed. It is noted that even the Permitted Activity relating to stock in or on riverbeds has water quality standards to be met, and if they are not then a resource consent would be required for the activity. This submission is supported through further submissions by Te Ātiawa and opposed by NZ Deer Farmers.

¹ 364.165 (I Mitchell), 397.002 (H Collins), 479.139 (DOC), 496.061 (Forest and Bird) and 1201.103 (Trustpower Limited)

37. The Federated Farmers submission (425.298) seeks amendments of the Policy as follows –
- ~~“Avoid~~ **Reduce** the discharge of animal effluent to fresh waterbodies and stock disturbance of river beds to the extent necessary to meet the management purposes established by Policy 15.1.1, **Policy 15.1.5 and Policy 15.1.6** by:
- (a) **assessing causes of elevated E. coli levels and identifying the most appropriate and cost-effective solutions for restricting stock access; and**
- ~~(a)~~(b) preventing the direct discharge of collected animal effluent to water; and
- ~~(b)~~(c) **avoiding managing** the access of intensively farmed stock to rivers **to support achievement of Policy 15.1.5, and Policy 15.1.6”**.
38. The Federated Farmers submission (425.298) also seeks amendments to the second and third paragraphs of the explanation to the Policy as follows –
- ~~“Stock can also access rivers when grazing riparian margins. In such circumstances, it is likely that there will~~ **While grazing of riparian margins is at times an important management tool, when on a continued basis** ~~may~~ be a discharge of animal effluent to water and the river bed ~~will~~ **may** be physically disturbed. The resulting increase in bacteria and turbidity in the receiving waters have the potential to reduce water quality. The adverse effects of casual access on water quality are dependent on a number of factors, including the type and density of stock. ~~Intensively farmed stock such as dairy cattle, pigs, or cattle or deer grazed on irrigated pasture or breakfed on winter crops create a significant risk of adverse effects on water quality. For this reason, the policy seeks to avoid stock access where stock is farmed intensively.~~ **This policy seeks to understand the cause of elevated E. coli level and identify the most appropriate and cost effective solutions for restricting access in catchments where there is an identified problem. This work will be completed through the Catchment Enhancement Plans, working collaboratively with landowners, industry, the community and Council to explore options.**
- ~~Due to the practical difficulties in some situations of fencing stock out of waterbodies, particularly where stock are grazed extensively, or where rainfall events can cause ephemeral rivers to flow, and in situations where the costs of fencing and designing stock crossings are prohibitive for limited use, the Council has also adopted an approach of using permitted activity rules for managing the adverse effects of stock access not covered by this policy. The permitted activity rules will require compliance with any relevant water quality standard set for the affected waterbody~~ **that good management practice is followed to manage adverse effects on colour and visual clarity.”**
39. The submitter is of the view that this Policy should focus on assessing the causes of elevated E. coli levels and identifying the most appropriate and cost-effective solutions where there is an identified problem. This will be best implemented through Catchment Enhancement Plans that work with landowners, industry, community and Council for joint benefit. The writers are of a view that all these matters are addressed in Policies 15.1.5 and 15.1.6, and Method 15.M.5, which are about addressing an identified problem. Policy 15.1.23 is about preventing new adverse effects on water quality.
40. Federated Farmers does not support the prohibited status for access of intensively farmed livestock to rivers. The daily crossing of waterways by dairy cows is a very different issue to avoiding all access by intensively farmed stock to rivers. While the submitter recognises that stock access at times may need to be managed, it is important that any policies to manage stock access adequately reflect the size and scale of the problem. The writers support the Council’s approach of prohibiting intensively farmed livestock from entering onto or passing across a riverbed as the nature of the activity is such that it could not be done without causing non-compliance with water quality standards.

41. In the submitters view prohibition does not take into account adverse events, and the practicalities of farming. Stock may need to be moved through a waterway to be shifted from a flood or fire. If power is cut, stock may need to have access to a river for drinking should troughs not supply water to a fenced paddock. There are repeated references in the submitters submissions regarding emergency situations, the Council is not going to prosecute a farmer who is, for example, moving stock to safety in response to a flood or fire, and it is not appropriate to amend any provisions in the MEP to provide for these types of scenarios.

42. The Federated Farmers submission (425.298) also seeks two new Methods as follows –

New Method 1 – ***“The assessment of causes of elevated E. coli levels and identification of the most appropriate and cost-effective solutions for restricting stock access.”***

New Method 1 – ***“Work with landowners and industry to implement good management practice around stock access to waterways, through Catchment Enhancement Groups, based on a better understanding of the causes and solutions.”***

The writers are of a view that the content of these methods has been adequately discussed in relation to Policies 15.1.5 and 15.1.6 and Method 15.M.5, and that those provisions appropriately address the above matters.

43. The Fonterra submission (1251.046) seeks amendments of the Policy as follows –

“Avoid Manage the discharge of animal effluent to fresh waterbodies and stock disturbance of river beds to the extent necessary to meet the management purposes established by Policy 15.1.1, by:

(a) preventing the direct discharge of collected animal effluent to water; and

(b) ~~avoiding~~ managing the access of intensively farmed stock to rivers; and

(c) managing the crossing of intensively farmed stock across rivers”.

The submitters are of a view that there are some large tracts of productive land in Marlborough that stock cannot access without crossing the bed of a river, and such blocks of land are often used for winter grazing of stock which requires accessing the bed of the river only a couple of times of the year. Given the wide form of the rivers it may not be viable to bridge or culvert them, meaning this Policy leaves this land inaccessible, accordingly Fonterra seeks changes to manage stock ‘access’ separately from stock ‘crossings’. The strength of this Policy was deliberate, the impact of particular types of stock on water quality needs to be avoided, and there is nothing in the submission to demonstrate that those activities will not adversely effect water quality, just in essence that the community should accept those effects. With regards to managing stock ‘access’ separately from stock ‘crossings’, the rules do refer to ‘entering onto the bed’ and ‘passing across the bed’ as separate activities, the Policy has simply covered them both by using the word ‘access’ in (b) for drafting efficiency. This submission is opposed through further submissions by Forest and Bird.

44. The NZ Deer Farmers submission (991.002) seeks an amendment to (b) of the Policy as follows –

“(b) avoiding the access of intensively farmed stock to rivers, **unless the access is for the purposes of actively moving the farmed stock across the river”.**

The NZ Deer Farmers support deer exclusion from waterbodies where this is a cost-effective approach and justified by the degree of risk from the farming operation, however the submitter is of the view that preventing access of deer to rivers requires the establishment

and maintenance of permanent deer fencing and as such it does not consider the proposed date of 9 June 2022 to be a well-considered timeframe, and would consider 10 years is a more reasonable timeframe. The submitter considers that deer crossing waterways when being moved between paddocks or to the deer shed are unlikely to have significant adverse effects due to the short duration that a mob of deer will take to cross the waterbody and the infrequent occurrence of stock crossing.

45. The writers do not support the amendment to (b) of the Policy as sought by the submitters as it would enable an activity that would have a significant adverse effect on water quality, for example the crossing of 1500 dairy cows across the Wairau River twice a day as one farmer sought to do. The content of the reasons for the submission are specific to deer and are appropriately dealt with elsewhere (rules and definitions). Should the other provisions relating to stock access to riverbeds be amended in relation to deer, the writers see no need to change the wording of this Policy, however it is noted there is a reference to deer in the explanation that may need to be reconsidered.
46. The K Loe submission (454.043) supports the Policy if the definition of “*intensively farmed livestock*” is amended. K Loe’s submission on the definition is dealt with elsewhere so no further assessment is made here, and the recommendation for 454.043 is based on the outcome for the submission on the definition. K Loe lodged a submission (454.119) with the same content on Rule 3.6.1, which is treated the same as 454.043.
47. The S Parkes submission (339.020) was not specifically lodged against this Policy and does not have any decision sought in relation to the Policy for which an assessment or recommendation can be made. The submitter just copies information directly from the “*Land and Water Forum papers*”.
48. The J and J Hellstrom submission (688.068) was not specifically lodged against this Policy and does not have any decision sought in relation to the Policy for which an assessment or recommendation can be made. The submitter has made comments about the activities relevant to Policy 15.1.23 that suggest they may support its retention, however it is not suitably clear whether they may also want amendments to the Policy.
49. The Fish and Game submission (509.190) seeks amendments to the Policy to ensure all intensively farmed livestock access to rivers, lakes and wetlands is avoided. The submitter is of the view that access to rivers, lakes and wetlands is avoided, and note that it has also sought amendment to the definition of intensively farmed livestock to include all lowland farmed cattle. The exclusion of stock from Significant Wetlands was a matter considered carefully during the consultation process and the outcome was that it was a step too far. The wetlands that remain are there only because the current farming regime has allowed them to not be destroyed, so with identification of the Significant Wetlands in the MEP and management provisions around them, the view was that that landowner management would allow them to continue to exist without the need for total stock exclusion. If stock are allowed to graze wetlands to a point where they no longer exist then obviously these wetlands would benefit from fencing, however it was considered that non-regulatory approaches, such as the Significant Natural Area programme were the best approach to this issue. Marlborough does not have many lakes, however for waterbodies such as Lake Elterwater, Lake McRae and Lake Grassmere limiting stock access would certainly be beneficial for water quality and habitat quality. The writers are conscious that lakes would be very expensive to fence and the submitter has provided no information to support the addition of lakes to the Policy (and by association the rules that implement the Policy). This submission is meaningfully opposed through further submissions by Federated Farmers and NZ Deer Farmers.
50. The Ernslaw One Limited submissions (505.016 and 505.054) seeks amendments to (b) of the Policy as follows –

*“(b) avoiding the access of ~~intensively~~ farmed stock (**other than low intensity farmed sheep**) to rivers”.*

The submitter does not provide any information to support the submission, except to say, low intensity beef, pigs and deer can have significantly adverse effects on water quality. Without any information or evidence to demonstrate that all farmed stock, except low intensity farmed sheep, need to be prohibited from entering onto or passing across a river bed the writers are not in a position to support the relief sought. This submission is opposed through further submissions by NZ Deer Farmers.

51. The Flaxbourne Settlers Association submission (712.012) supports the Policy if the Permitted Activity rules and standards around stock crossing or accessing the bed of a river are amended. Flaxbourne Settlers Association’s submission on the Permitted Activity rules are dealt with elsewhere so no further assessment is made here, and the recommendation for 712.012 is based on the outcome for the submission on the rules.

52. The EDS submission (698.103) seeks the amendment of the Policy as follows –

*“Avoid the discharge of animal effluent to fresh **and coastal** waterbodies and stock disturbance of river beds to the extent necessary to meet the management purposes established by Policy 15.1.1, by....”*

The submitter is of the view that the discharge of effluent into coastal waters should also be avoided, and that this is required to give effect to Policy 21 NZCPS. The writers note that Policy 21 of the NZCPS states that –

“Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water-based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities, give priority to improving that quality by:

(a) identifying such areas of coastal water and water bodies and including them in plans;.....”
[writers emphasis].

While it is acknowledged that extension of Policy to include the discharge of animal effluent to coastal waters may be beneficial, the writers do not share the submitters view that the submission needs to be amended to give effect to Policy 21 of the NZCPS. There are no areas in the coastal environment with degraded water quality as a result of the discharge of animal effluent that have been identified and included in the MEP. Putting that aside, the submitter has provided no information to support the addition of coastal waters to the Policy (and by association the rules that implement the Policy). If further information is provided at the hearing, and the Panel is of a mind to accept it, the writers recommend the incorporation sought by the applicant be expressed as – *“Avoid the discharge of animal effluent to fresh waterbodies **and coastal waters** and...”*, as the wording “coastal waterbodies” as sought is incorrect as “waterbodies” are only freshwater.

53. The Dairy NZ submission (676.077) seeks amendments of the Policy as follows –

“Avoid the discharge of animal effluent to fresh waterbodies and stock disturbance of river beds to the extent necessary to meet the management purposes established by Policy 15.1.1, by:

(a) preventing the direct discharge of collected animal effluent to water; and

*(b) avoiding the access of intensively farmed stock to **rivers, except in the following circumstances:***

- **Where the crossing is necessary for stock safety reasons or***
- **The farm is already established prior to 9 June 2016 and crossing is necessary to farm operation; and***

- ***There are practical difficulties in constructing bridges or culverts; and***
- ***The crossing is over an ephemeral waterbody***”.

54. The Dairy NZ submission (676.077) also seeks amendments last paragraph of the explanation to the Policy as follows –

*“Due to the practical difficulties in some situations of fencing stock out of waterbodies, particularly where stock are grazed extensively, **or where intense rainfall events can cause ephemeral waterbodies to flow**, the Council has also adopted an approach of using permitted activity rules for managing the adverse effects of stock access not covered by this policy. The permitted activity rules will require ~~compliance with any relevant water quality standard set for the affected waterbody~~ **good practices to be followed in order to avoid adverse effects on water quality.**”*

Dairy NZ is of the view that 96% of the waterways on New Zealand dairy farms are now excluded from dairy cattle, however in some cases, there are practical difficulties of fencing stock out of waterbodies, as captured by paragraph three of the explanation to this policy. There must should be more explicit allowance for crossings due to the large number of ephemeral rivers on some established farms as well as intense rainfall events. Good practices should be followed in these instances to avoid adverse effects on water quality.

55. As noted in the Federated Farmers submission above, the Council is not going to prosecute a farmer who is moving stock to safety in response to a flood, and it is not necessary or appropriate to amend provisions across the MEP to provide for all types of emergencies. In the writers view it would not assist in remediating degraded water quality or preventing new degradation to provide an exception for all existing farms, in fact it would most likely make the provisions all but redundant. Likewise the exception where there are practical difficulties in constructing bridges or culverts, every construction has practical difficulties. With regards to the amendments to the Policy and explanation regarding ephemeral waterbodies, there is already an exception for entering onto or passing across a riverbed for livestock if there is no water flowing in the river, and this would apply to both ephemeral and intermittently flowing rivers. The writers are in two minds about that exception as there will still be animal effluent deposited in the dry riverbeds that may be picked up during times of flow, so they do not support the greater enablement sought by the submitters for an exception for crossing ephemeral rivers at any time. The amendment to the last sentence of the explanation to the Policy is not supported by the writers as it does not reflect the approach taken in the Permitted Activity rules and it would be inappropriate to have a standard based on following “*good practices*” as that provides Plan users and the Council with no certainty about the requirements to be met for compliance with the applicable rule.

56. The AWUG submission (548.085) supports the use of Permitted Activity rules for managing the adverse effects of stock access for extensive grazing properties and recommends that the Council work with industry groups to develop a code of practice and industry guidelines to mitigate the potential effects of extensively grazed livestock on freshwater bodies. The submitter agrees that intensively farmed livestock including dairy cattle and pigs, and deer and cattle on irrigated pasture or break fed on crops should be excluded from direct access to water ways, however is of a view that it is impractical to exclude stock form all water bodies on extensive grazing properties. The writers note that stock that are not covered by the definition of “*intensively farmed livestock*”, such as extensively farmed livestock, are not caught by the Prohibited Activity rules and there is an existing Method regarding codes of practice and industry guidelines. The matters raised by the submitter appear to already be addressed in the notified provisions, so unless information at the hearing shows that is not the case, the submission will be recommended for acceptance on the basis that no changes to Policy 15.1.23 are sought.

57. The ME Taylor Limited submission (472.016) opposes this Policy as it seeks to be able to cross cattle which are not farmed intensively across a riverbed as part of a sound management rotational grazing process. The writers note that stock that are not covered by the definition of “*intensively farmed livestock*”, as the submitter appears to be referencing, are not caught by the Prohibited Activity rules. The matter raised by the submitter appears to already be addressed in the notified provisions, so unless information at the hearing shows that is not the case, the submission will be recommended for acceptance on the basis that no changes to Policy 15.1.23 is sought.

Recommendations

58. The writers recommend that Policy 23 is separated into two policies, with no change in overall content, as follows –

Policy 23 (retained in the same location in Chapter 15)

“Avoid the discharge of animal effluent to fresh waterbodies to the extent necessary to meet the management purposes established by Policy 15.1.1 by preventing the direct discharge of collected animal effluent to water”; and the explanation –

“Animal effluent can be discharged directly into rivers and wetlands through the point source discharge of collected animal effluent (e.g. farm dairy effluent) to waterbodies. At the date of notification of the MEP, there were no authorised discharges of animal effluent into water. This policy seeks to avoid the significant risk posed to surface water quality by discharges of collected animal effluent. This will be implemented through a prohibited activity rule”.

Policy 23 (retained in the same location in Chapter 15)

“Avoid stock disturbance of river beds to the extent necessary to meet the management purposes established by Policy 15.1.1 by avoiding the access of intensively farmed stock to rivers”; and the explanation –

“Animal effluent can be discharged directly into rivers and wetlands through stock access to waterbodies. Stock can also access rivers when grazing riparian margins. In such circumstances, it is likely that there will be a discharge of animal effluent to water and the river bed will be physically disturbed. The resulting increase in bacteria and turbidity in the receiving waters have the potential to reduce water quality. The adverse effects of casual access on water quality are dependent on a number of factors, including the type and density of stock. Intensively farmed stock such as dairy cattle, pigs, or cattle or deer grazed on irrigated pasture or breakfed on winter crops create a significant risk of adverse effects on water quality. For this reason, the policy seeks to avoid stock access where stock is farmed intensively.

Due to the practical difficulties in some situations of fencing stock out of waterbodies, particularly where stock are grazed extensively, the Council has also adopted an approach of using permitted activity rules for managing the adverse effects of stock access not covered by this policy. The permitted activity rules will require compliance with any relevant water quality standard set for the affected waterbody.”

59. It is recommended that the Ngāti Kuia **submission point 501.077 is rejected** as there is insufficient information in the submission to understand how the inclusion of margins would be implemented or applied, and to justify the prohibition of all farmed stock from entering or passing across a riverbed.
60. It is recommended that the Federated Farmers **submission point 425.298 is rejected** as the matters raised around *E.coli* and Catchment Enhancement Plans are addressed in Policies 15.1.5 and 15.1.6, and Method 15.M.5, which are about addressing an identified

problem, and Policy 23 is about preventing new adverse effects on water quality. The writers support the Council’s approach of prohibiting intensively farmed livestock from entering onto or passing across a riverbed as the nature of the activity is such that it could not be done without causing non-compliance with water quality standards. And, it is not appropriate to amend any provisions in the MEP to provide for emergency situations.

61. It is recommended that the Fonterra **submission point 1251.046 is rejected** as the strength of this Policy was deliberate and there is nothing in the submission to demonstrate that intensively farmed livestock accessing riverbeds will not adversely affect water quality, just in essence that the community should accept those effects.
62. It is recommended that the NZ Deer Farmers **submission point 991.002 is rejected** as the amendment to (b) of the Policy sought by the submitters as it would enable an activity that would have a significant adverse effect on water quality.
63. It is recommended that the K Loe **submission points 454.043 and 454.119** and the Flaxbourne Settlers Association **submission point 712.012 are rejected** as the submitters only supported the retention of this Policy on the basis that their submissions on the definition of “*intensively farmed livestock*” and the Permitted Activity rules are accepted, and that has not been recommended.
64. It is recommended that the Fish and Game **submission point 509.190 is rejected** as the Council’s approach to wetlands was purposeful and the result of a consultative process, and the submitter has provided no information to counter the Council’s approach. With regards to lakes, there may be some benefit to lakes from full stock exclusion but it is a significant change in Policy with a potentially significant cost associated with it, and the submitter has not provided any supporting information for the change, the writers do not recommend lakes are added to the Policy at this time.
65. It is recommended that the Ernslaw One Limited **submission points 505.016 and 505.054 are rejected** as the submitter has not provided any supporting information for what is quite a significant change to the Policy.
66. It is recommended that the EDS **submission point 698.103 is rejected** as the writers do not agree with the submitters argument regarding giving effect to Policy 21 of the NZCPS, and the submitter has not provided any other supporting information for what is potentially a significant change to the Policy. The writers note that with justification, there may be merit in including coastal waters in the Policy.
67. It is recommended that the Dairy NZ **submission point 676.077 is rejected** as it is not necessary or appropriate to amend provisions across the MEP to provide for all types of emergencies, it would not assist in remediating degraded water quality or preventing new degradation to provide an exception for all existing farms and situations where there are practical difficulties in constructing bridges or culverts, and there is already an exception for entering onto or passing across a riverbed for livestock if there is no water flowing in the river that is sufficiently enabling. Overall, if the exceptions to the exclusion of stock from riverbeds were allowed, the provisions notified would become essentially redundant and the protections for water quality they seek to provide would be lost.
68. It is recommended that the AWUG **submission point 548.085** and the ME Taylor Limited **submission point 472.016 are accepted** on the basis that the matters raised by the submitters are already addressed in the notified provisions and no changes to Policy 15.1.23 are sought.

Rule 2.20.1

69. Rule 2.20.1 reads as follows –

“Discharge of dairy farm effluent to water”.

70. There are three submissions² that support Rule 2.20.1 and seek its retention as notified.
71. The D and C Robbins submission (640.027), the M Robb submission (935.027) and the G Robb submission (738.030) seek that this Prohibited Activity is changed to a Discretionary Activity as in the submitters views, there may be natural disasters that create problems with this and it is no fault of the farmer. The Council is not going to prosecute a farmer who discharges dairy farm effluent to water as a consequence of a natural disaster. It is not necessary or appropriate to amend any provisions in the MEP to provide for these types of scenarios.
72. The Federated Farmers submission (425.489) seeks the deletion of this rule in its entirety, however it is of the view that it is not clear whether this rule is referring to farm dairy effluent from a cow that is defecating in water, collected untreated effluent, or collected treated effluent. Federated Farmers submits that as it is currently written it could appear to capture a cow that is walking through a waterway. The writers confirm that the rule does not capture a cow that is walking through a waterway, and that the definition for “*dairy farm effluent*” hopefully is sufficient for other Plan users to not find this rule to be ambiguous.

Recommendations

73. It is recommended that the D and C Robbins **submission point 640.027**, the M Robb **submission point 935.027** and the G Robb **submission point 738.030** are **rejected** as it is not appropriate to amend any provisions in the MEP to provide for emergency situations.
74. It is recommended that the Federated Farmers **submission point 425.489** is **rejected** as it has not interpreted the rule correctly and, based on its submission on the supporting Policy 15.1.23, is not likely to be seeking removal of this rule.

Definition – Intensively Farmed Livestock

75. The definition of “*Intensively Farmed Livestock*” reads as follows –

“*means:*

- (a) *cattle or deer grazed on irrigated land or contained for breakfeeding of winter feed crops;*
- (b) *dairy cattle;*
- (c) *farmed pigs*”.

76. There are two submissions³ that support the definition of “*Intensively Farmed Livestock*” and seek its retention as notified.
77. There have been many submissions received on this definition and the content of this definition is very significant as it determines what for some is the difference between a Permitted and a Prohibited Activity.
78. The S and R Adams submission (321.004), the BRIL submission (462.041), the Willowgrove Dairies Limited (1237.005) and the Middlehurst Station Limited submission (970.024) seek that (b) of the definition be amended to only include dairy cattle “*on properties with milking platforms*”. They seek a further addition at the end of whole rule stating – “*For clarity intensively farmed livestock does not cover the grazing of dairy cattle on properties without milking platforms except if (a) above applies or livestock entering or passing across a river from an extensively grazed area to an intensive break-fed grazed area.*” The submitters are of the view that dairy grazers that are wintered over on non-dairy farms should not be included in the definition, and that it should be recognised that stock are routinely held in paddocks and then crossed over a river to access an intensively grazed

² 1251.074 (Fonterra), 496.079 (Forest and Bird) and 1189.117 (Ngāi Tahu)

³ 1035.002 (Wilhelmus/Ormond) and 715.424 (Forest and Bird)

winter feed block. The writers are not persuaded to accept this amendment as it is not always the case that dairy cattle grazing on non-dairy farms do so at lower stocking densities. The writers do not recommend using a statement of clarity such as sought, and prefer that the text of the definition proper was crafted in such a way that there was no need to provide clarification.

79. The Beef and Lamb NZ submission (459.068) seeks that (a) of the definition be amended and the Federated Farmers submission (425.404) seeks that (a) and (b) of the definition should be amended, as follows –

(a) cattle or deer ~~grazed on irrigated land~~ or contained for breakfeeding of winter feed crops (July – September);

*(b) dairy cattle **located on milking platforms;***

80. Federated Farmers note that the definition of intensively farmed livestock includes cattle or deer grazed on irrigated land or contained for breakfeeding of winter feed crops, however it is if the view that breakfeeding and grazing by deer and cattle on irrigated land are both pastoral farming methods, and should not be considered intensive farming as they do not necessarily lead to an increase in stocking rate. The writers do not necessary disagree with the submitters discussion here, however “*irrigated*” land in the context of the definition has been used as a proxy for stocking density. There was considered to be a need to capture non-dairy cattle and deer, however it was acknowledged that it would be inappropriate to capture all of those type of stock. The link to irrigated land is used as a method for identifying situations where farmers would have the opportunity to increase the density of stock numbers as a result of having irrigation water available for use on their land. During the drafting of the MEP, using stocking densities was considered however this was difficult to put in place in practice, so (a) was considered the best approach at the time, all things considered. The writers are not persuaded to accept this amendment to (a) as it is not always the case that dairy cattle grazing on non-dairy farms do so at lower stocking densities. It is not clear in the submission why the timeframe of July to September has been added to (a), however in the writer’s view, limiting the months that (a) is valid is not appropriate as there is breakfeeding of animals outside of this time period from time to time, especially young stock.
81. Beef and Lamb NZ shares Federated Farmers views regarding irrigation being for purposes other than stock intensification, the writer’s response is as above. However, Beef and Lamb NZ notes its concern that the definition will inadvertently capture lower risk activities, and that an alternative could be an industry agreed stocking rate or some other alternative measure. The writers would be interested in further information on these possible alternatives at the hearing.
82. With regards to (b) Federated Farmers submits that dairy cattle should only be included as intensively farmed stock where they are located on the milking platform as this will ensure that young stock and dry stock are not incidentally captured. It advises that there are many farmers in the drier and more extensive areas of Marlborough that take dairy cattle during the winter months while they are dried off and not being milked, and these stock run on the hills at a lower stocking capacity than when they are held on the flats, much like beef cattle are. Therefore, in the submitters view, it is appropriate that they are excluded from the definition of intensively farmed stock. In the writer’s experience young dairy cattle are often fenced in at high stocking rates and they will have the same effect as other dairy cows, if they were grazed at the same rate as beef cattle there would be less concern, however often they are not.
83. The G Barnett submission (1258.001), the Flaxbourne Settlers Association (712.021) and the S MacKenzie submission (1124.020) consider the inclusion of irrigated land in determining the status of farmed livestock is loose terminology and should be withdrawn. The writers

found the remainder of some of the submissions to be somewhat ambiguous but think that addressing the issues raised by Federated Farmers around interpreting the definition around irrigated land and when stock to cross riverbeds may address some of the submitters issues.

84. The NZ Deer Farmers submission (991.001), the V and D Wadsworth submission (201.004) and the J Stevens submissions (256.001 and 256.003) seek that deer are removed from (a) in the definition, and suggests that sheep should be added to the definition. The submitters are of the view that deer move quicker and less often than other classes of livestock, and sheep would create a greater impact when moving through a wet bed of a waterbody. The submitter has not provided any information to demonstrate that due to the speed in which deer pass across a riverbed, there will not be adverse effects on water quality. The frequency of crossings is not considered reasonable justification for excluding any stock as there can be significant adverse effects on water quality and instream biota from even a single crossing, not to mention, if all farmers were permitted “infrequent” crossings then cumulatively there are likely to be crossings quite frequently on some waterbodies. With regards to adding sheep to the definition, again the submitter has provided no information to support this, however the writers own experience would suggest this relief sought has merit. For example, an Are Are Creek study showed that break fed sheep and sheep in high densities resulted in highly elevated *E .coli* concentrations. Other submitters have also suggested that sheep could be added to the definition, however they did not explicitly seek such an amendment.
85. The K Loe submission (454.064) seeks that (a) is removed from the definition, however the submitter provides no explanation or justification for the relief sought, and does not demonstrated how the livestock included in (a) would not have an adverse effect on water quality should they be permitted to enter onto or pass across the bed of a river.
86. The Fonterra submission (1251.091) seeks that (b) of the definition should be amended, as follows –

(b) lactating dairy cattle;

The submitter is of the view that it is unclear whether the term refers to lactating cows, or whether it also refers to dairy cows that are winter grazing off the dairy platform (when the cows are dried-off), grazing of rising 1 year olds or rising 2 year olds prior to them entering the milking herd, and grazing of bull calves intended for breeding. The submitter advises that non-lactating dairy cows tend to be managed less intensively off the milking platform and potential effects of such activities can be no different than for grazing beef cattle. In the writer’s experience young dairy cows are often fenced in at high stocking rates and they will have the same effect as other dairy cows, if they were grazed at the same rate as beef cattle there would be less concern however often they are not. The writers do not consider the definition to be as unclear as the submitter purports it to be, Fonterra questions whether it means “*dairy cows that are winter grazing*”, however by its own words it has called that stock “*dairy cows*”, and we doubt that many people (or dictionaries) would consider a bull a dairy cow. The writers are not persuaded that the addition of “*lactating*” would still give effect to the higher provisions of the Plan, and protect water quality from degradation as intended by those provisions.

87. The Fish and Game submission (509.004) seeks that the definition is amended to include all cattle on low-land farms (excluding high country farmed cattle) not just cattle on irrigated land or contained for break-feeding of winter feed crops, this is in recognition that all cattle farmed on lowland areas have the same impacts, particularly when entering onto or passing across the bed of a river. The submitter has provided no information to support the addition of all cattle on low-land farms, however the writers own experience would suggest the relief sought has merit. For example, a Doctors Creek study showed that beef cattle were the main source of *E.coli* concentrations. In considering the submissions, the writers suggest that

perhaps an alternative to the reference to beef cattle on irrigated land in the definition, would be to include beef cattle on low-land areas. While not developed for this purpose, the writers suggest that the “*Threatened Environments*” overlay in the notified MEP would be a good basis for identifying where the “*low-land areas*” are located. The writers would be interested to hear views on this possible alternative approach from the submitters at the hearing, however it is acknowledged that there may be a question of scope.

88. The J Hickman submission (455.068) and the G Mehlhopt submission (459.068) seek to ensure that short term breakfeeding during winter when there is low growth or in times of drought is not captured by this definition. In the submitters view it is inappropriate for short term breakfeeding in circumstances where there is low growth in winter or in times of drought, to be captured by this definition and subject to the rules controlling intensively farmed stock. Further, the definition should focus on cattle or deer that are contained for breakfeeding for large portions of the year as the effects of this sustained intensive activity are substantially different to short term breakfeeding that is carried out only when necessary. The submitter states that the effects of this breakfeeding are different to those of cattle and stock that are contained for breakfeeding for a large portion of the year. It would appear from the discussion in the submission that the submitters have taken this definition out of context, and seem to relate it to the effects of the density of stock on the land, not looking at the definition to determine if stock are “*intensively farmed livestock*” for the purposes of undertaking stock access to a riverbed at a particular point in time. In addition, the submission raises questions about how an exception may be written or defined – what is a period of low growth? a few frosts? what is short term? If you provide exclusions for low growth periods in winter, and drought periods in summer, then in some areas this would effectively make this aspect of the definition ineffective.
89. The Landcorp submission (294.001) seeks clarification of the definition of intensively farmed animals to specifically exclude extensively farmed animals that may be mustered at infrequent times of the year and cross rivers as part of the mustering process. Landcorp is involved in the farming of Molesworth Station and on occasion throughout the year on an infrequent basis the cattle are mustered, driven and yarded sometimes necessitating river crossings as part of these operations and it is important that these operations are not considered even on a temporary basis as being intensively farmed animals. The submitters have sought clarification rather than specific relief, therefore no assessment or recommendation has been made, however the writers can confirm that Molesworth Station is exactly the type of situation that the definition is not intended to capture, and as far as we are aware, it does not capture it or high country stations like it.
90. The B and C Leov submissions (340.001, 340.002 and 340.003) seek that the definition of intensively farmed livestock does not involve intensively farmed adult dairy livestock, and that there needs to be some distinction between ages of cattle recognised, as young stock have a much smaller impact on the environment than aged cows. The submitters are of the view that to lump them all together in a blanket ban seems to us to ignore all practical or scientific effects that these two vastly different systems have on the environment, and any plans or laws that ignore common sense or scientific evidence tend to make people disobey or mock them.
91. Federated Farmers is of the view in its submission 425.404 that there are multiple scenarios with regard to the grazing on irrigated land and breakfeeding where it is not clear where a farmer will be placed in relation to this definition. Farmers in Marlborough will graze their cattle or deer on irrigated land, and on breakfeed on winter feed crops, in select paddocks, including amongst vineyards, before the stock are turned out onto larger paddocks, and the submitter states that it is not clear whether such farmers would be classed as having intensively farmed stock, these practices should not be considered as intensive farming compared with the more widely recognised irrigation and breakfeeding practices, and if livestock are not concentrated in small areas then the definition of intensively farmed stock

would be inappropriate. The writers note that the definition is not something to look at in isolation, it is a tool to assist in understanding when a provision applies, or how it should be interpreted. For example, for one of the Prohibited Activity rules for intensively farmed livestock entering the bed of a river, that activity would occur at a point in time – the question is, at the time a farmer wants to enter stock onto the riverbed, do they fit the definition of intensively farmed livestock? The V and D Wadsworth submission (201.004) raises some related concerns regarding the interpretation of "on irrigated land", e.g. does the definition only apply to grazing only while irrigation is taking place, or within a specified time frame after irrigation has finished? As discussed earlier, the use of "on irrigated land" is intended to be a proxy for higher density, so in that context, if land is irrigated, i.e. there is a water permit to irrigated the land, then the stock on that land would fit the definition. The writers are open to considering whether clarification is needed on this matter.

Collective Assessment

92. While the writers have assessed the submissions on the definition of "*intensively farmed livestock*" individually above, given the divergent views on the matter a summary seems appropriate, along with our overall view on the definition. No single submission sought specific relief that the writers recommend is accepted, however there are matters for which further information and discussion at the hearing may mean we revise some of our recommendations.
93. It is noted that there are submissions on other provisions that relate to the definition even though the submissions are not lodged against the definition itself.
94. There are two submissions that seek retention of the definition as notified.
95. There are no submissions seeking change or removal of "(c) *farmed pigs*" from the definition.
96. The submissions on "(a) *cattle or deer grazed on irrigated land or contained for breakfeeding of winter feed crops*" seek the following –
 - Removal of (a) entirely;
 - Removal of "*grazed on irrigated land or*";
 - Removal of "*deer*"; and
 - An exclusion in (a) for short-term breakfeeding.
97. The submissions on "(b) *dairy cattle*" seek the following –
 - Amend to read "(b) *dairy cattle located on milking platforms*";
 - Amend to read "(b) *lactating dairy cattle*"; and
 - Amend to read "(b) *dairy cattle (excluding adult cattle)*".
98. Other submissions sought the following changes –
 - Essentially remove the definition as the provisions should apply to all stock;
 - Add all stock except low density sheep;
 - Add sheep; and
 - Add lowland beef cattle.
99. After assessing the submissions, the writers have not got a firm recommendation on what the definition for "*intensively farmed livestock*" should be at this time, however the following views are expressed –

- The general consensus seems to be that (a) as it relates to breakfeeding for beef cattle should remain and the writers agree with this;
- With regards to deer, the writers are of a view that in higher densities and where wallowing may occur there are concerns that need to be addressed, but perhaps there are alternatives to the current provision in (a);
- The writers do not agree with the removal of “*grazed on irrigated land*” unless it is replaced by some alternative method of capturing higher density stock numbers. This may be an option suggested by a submitter, or the possibility around lowland areas as discussed in paragraph 87;
- With regards to (b), the writers do not agree with adding “lactating” or excluding adult dairy cattle. The writers may be open to relating (b) to on a milking platform, if dairy cattle that are off the milking platform are still picked up where in higher densities; and
- The writers do not agree with the provisions applying to all stock, however see that there may be some merit in including sheep in some manner and potentially all beef cattle (not just on irrigated land) in lowland areas.

Recommendations

100. It is recommended that the S and R Adams **submission point 321.004**, the BRIL **submission point 462.041**, the Willowgrove Dairies Limited **submission point 1237.005** and the Middlehurst Station Limited **submission point 970.024 are rejected** as it is not always the case that dairy cattle grazing on non-dairy farms do so at lower stocking densities, and it is preferable that the text of the definition is crafted in such a way that there is no need to provide clarification.
101. It is recommended that the Beef and Lamb NZ **submission point 459.068** and the Federated Farmers **submission point 425.404 are rejected** as the removal of stock on irrigated land and dairy cattle of the platform without an alternative to capture the intended higher density stock would not protect water quality.
102. It is recommended that the G Barnett **submission point 1258.001**, Flaxbourne Settlers Association **submission point 712.021** and the S MacKenzie **submission point 1124.020 are rejected** as the removal of stock on irrigated land without an alternative to capture the intended higher density stock would not protect water quality.
103. It is recommended that the NZ Deer Farmers **submission point 991.001**, V and D Wadsworth **submission point 201.004** and the J Stevens **submission points 256.001 and 256.003 are rejected** as the writers are not satisfied that the removal of deer entirely from the definition will enable the achievement of water quality objectives, and there is insufficient information in the submission to support the addition of sheep to the definition. The writers are interested in more information on both of these matters.
104. It is recommended that the K Loe **submission point 454.064 is rejected** as the submitter provides no explanation or justification for the relief sought, and does not demonstrate how the livestock included in (a) would not have an adverse effect on water quality should they be permitted to enter onto or pass across the bed of a river.
105. It is recommended that the Fonterra **submission point 1251.091 is rejected** as the addition of “*lactating*” would not give effect to the higher provisions of the Plan, and protect water quality from degradation as intended by those provisions.
106. It is recommended that the Fish and Game **submission point 509.004 is rejected** as the submitter has provided no information to support the addition of all cattle on low-land farms. However, the writers are interested in more information on this possibility as an alternative to parts of (a) in the definition.
107. It is recommended that the J Hickman **submission point 455.068** and G Mehlhopt **submission point 459.068 are rejected** as exclusions in some areas for low growth periods

in winter, and drought periods in summer, could effectively make this aspect of the definition ineffective.

108. It is recommended that the B and C Leov **submission points 340.001, 340.002 and 340.003 are rejected** as the exclusion of adult dairy cattle would not give effect to the higher provisions of the Plan, and protect water quality from degradation as intended by those provisions.

Definition – Breakfeeding

109. The definition of “*Breakfeeding*” reads as follows –

“means the feeding of animals on paddocks where feeding space is controlled by the movement of an electric fence”.

110. The Federated Farmers submission (425.380) seeks the removal of the definition from the Plan, or amendments to the definition of breakfeeding as follows –

*“means the feeding of ~~animals~~ **livestock** on ~~paddocks~~ **pasture or forage** where feeding **space allocation** is controlled by the movement of an electric fence. **For the purpose of this Plan, breakfeeding refers to winter months (June to September)”.***

The submitter is of the view that, if retained, the definition is edited for clarity. The writers do not have the expertise in farming to advise whether the amendments sought to the existing text clarifies the definition and makes it more appropriate. The perspective we bring is in relation to water quality and the use of this term in the definition of intensively farmed livestock, and therefore its relevance to the Plan rules. The writers do not support the additional sentence limiting the definition of breakfeeding to June to September, as discussed in the submissions on the definition of intensively farmed livestock, and the submitter has provided no justification for this addition to assist in understanding the issue that motivated this new text.

Recommendations

111. It is recommended that Federated Farmers **submission point 425.380 is rejected** as the writers do not support the additional sentence limiting the definition of breakfeeding to June to September, as discussed in the submissions on the definition of intensively farmed livestock, and the submitter has provided no justification for this addition to assist in understanding the issue that motivated this new text.

Definition – Dairy Cattle

112. The Federated Farmers submission (425.393) seeks the addition of a new definition as follows –

“Dairy cattle – means milking cows located on the dairy platform.”

The submitter is of the view that a new definition is required to provide clarity for the use of the term “*dairy cattle*” in the definition for intensively farmed stock as it is not clear whether the term refers to those dairy cows on the milking platform, any animal with a dairy background or includes calves and young stock. The writers do not support this additional definition, if the definition for intensively farmed stock is not clear then that is where efforts to shore up a definition should lie.

Recommendations

It is recommended that Federated Farmers **submission point 425.393 is rejected** as the writers do not support this additional definition, if the definition for intensively farmed stock is not clear then that is where efforts to shore up a definition should lie.

Prohibited Activity Rules 2.11.4, 3.7.4 and 4.7.4

113. Rules 2.11.4, 3.7.4 and 4.7.4 read as follows –

“From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a river when there is water flowing in the river”.

114. There are three submissions⁴ that support Rules 2.11.4, 3.7.4 and 4.7.4 and seek their retention as notified.

115. The EDS submission (698.115) on Rule 2.11.4 seeks that stock also be excluded from the active bed and riparian area of main-stem rivers and of other intermittent and ephemeral rivers where they are important habitat or breeding areas or important to the hydrological function of the water body. The submitter is of a view that this rule needs to be tightened as action needs to be taken now and fast, therefore a delay until 2022 is not acceptable. EDS is also of a view that the Rule should not be limited to flowing rivers as stock exclusion not only prevents direct excrement discharge but it also prevents physical destruction of habitat, erosion, and sediment discharge. Ideally perhaps there would not have been a delay in the Rule, however it is considered that, on the imposition a new prohibition such as this, it is reasonable. The writers note that, should this Rule become operative as notified, there would only likely be about a three year delay in its effect (up until that time the Rule is treated as a Discretionary Activity under the RMA). The language of a Prohibited Activity rule has to be especially clear and explicit, and the submitter has not offered any wording for us to consider regarding the inclusion of margins. In the writers view the prohibition essentially means fencing and that effectively means the margins get fenced as well as it is usually not possible to only fence the bed of a river itself. The difference if the rule was explicit would be the width of the margin required, and as this depends on a number of factors, including slope, this makes drafting a rule challenging. The submitter has sought essentially that the proviso *“when there is water flowing”* is removed, however its reasoning for this goes beyond management for water quality purposes and therefore the writers are not comfortable with that change. The writers acknowledge there are risks to water quality when animal effluent is deposited onto a dry riverbed by stock and there is subsequent flow, however the risk is less and in drafting the provisions a prohibition in those circumstances was not considered to be appropriate. EDS has lodged the same submission on Rule 2.11.5 (698.116), for efficiency, the writers have not repeated their assessment and response in again in that section of this report.

116. The Forest and Bird submission (496.076) on Rule 2.11.4 seeks that date in the Rule be brought forward as in their view it could be achieved earlier than 2022. The submitter did not specify what date it should be brought forward to. Ideally perhaps there would not have been a delay in the Rule, however it is considered that, on the imposition a new prohibition such as this, it is reasonable. The writers note that, should this Rule become operative as notified, there would only likely be about a three year delay in its effect (up until that time the Rule is treated as a Discretionary Activity under the RMA). Forest and Bird has lodged the same submission on Rule 2.11.5 (496.077), for efficiency, the writers have not repeated their assessment and response in again in that section of this report.

117. The DOC submissions⁵ on Rules 2.11.4, 3.7.4 and 4.7.4 seek amendment of the Rules as follows –

*“From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a river when there is water flowing in the river, **or to enter water in lakes or Significant Wetlands**”.*

⁴ 1193.095 (Environment Centre), 509.289 and 509.326 (Fish and Game)

⁵ 479.177, 479.179, 479.214 and 479.237

The submitter is of the view that lakes and Significant Wetlands are missing from this Rule but it is appropriate that the rule applies to these types of waterbodies also. The Environment Centre submissions (1193.126 and 1193.127) seek a similar addition to the provision, although they frame it as new Prohibited Activities in the Rural and Coastal Environment Zones. The Environment Centre does not provide any further information to support its submission. The exclusion of stock from Significant Wetlands was a matter considered carefully during the consultation process and the outcome was that it was a step too far. The wetlands that remain are there only because the current farming regime has allowed them to not be destroyed, so with identification of the Significant Wetlands in the MEP and management provisions around them, the view was that that landowner management would allow them to continue to exist without the need total exclusion. If stock are allowed to graze wetlands to a point where they no longer exist then obviously these wetlands would benefit from fencing, however it was considered that non-regulatory approaches, such as the Significant Natural Area programme were the best approach to this issue. Marlborough does not have many lakes, however for waterbodies such as Lake Elterwater, Lake McRae and Lake Grassmere limiting stock access would certainly be beneficial for water quality and habitat quality. The writers are conscious that lakes would be very expensive to fence and limit stock access though, and the submitter has provided no information to support the addition of lakes to the Rule. DOC has lodged the same submission on Rules 2.11.5, 3.7.5 and 4.7.5 (479.178, 479.215 and 479.238), for efficiency, the writers have not repeated their assessment and response in again in that section of this report.

118. The Beef and Lamb NZ submissions⁶ on Rules 2.11.4, 3.7.4 and 4.7.4 seek that the status of this activity is changed from Prohibited to Discretionary. In 459.004, 459.005 and 459.006, the submitter is of the view that some of prohibited activities used within the MEP appear unnecessarily restrictive. This is a generic position and no information to support it in relation to this Rule has been provided. In 459.037, 459.038 and 459.039, the submitter is of the view that the prohibited status is too severe for this activity and a discretionary status would provide the same environmental benefits, while allowing for exceptions if they were required. The S MacKenzie submissions (1124.014 and 1124.018) on Rules 2.11.4 and 3.7.4 seek that the status of this activity is changed from Prohibited to Controlled Activity as that would allow for infrequent crossings in appropriate circumstances. The submitter does not provide any information to specific to these Rules to support his submission. The Council, through the Plan review process, reached a determination that intensively farmed livestock entering onto the bed of a river when there is water flowing in the river warranted a Prohibited Activity due to the impact the activity has on water quality being such that it should not be allowed to occur. The submitters have offered no evidence to counter this position. S MacKenzie has lodged the same submission on Rules 2.11.5 and 3.7.5 (1124.015 and 1124.019), for efficiency, the writers have not repeated their assessment and response in again in that section of this report.
119. The Fonterra submissions⁷ seek the removal of Rules 2.11.4, 3.7.4 and 4.7.4 in their entirety. The submitter is of the view that while it supports the exclusion of stock from water bodies, it is concerned about the potential for the Rules to impose impractical expectations on fencing of water courses that are merely flow paths across paddocks that outside heavy rain events have no characteristics or values of a watercourse. While Fonterra recognises that the Rules only require stock exclusion when there is water flowing in the river, another option that might better protect the integrity of the stream beds is to direct the rule to exclude stock from active stream beds, this will require a new definition of “*active bed of a river*”. Further, Fonterra is concerned that there is privately owned productive land in Marlborough that can only be accessed by crossing a river and that the rules proposed prevent the option of allowing such crossings, even where the effects are less than significant. Fonterra is seeking provision for periodic stock crossings as a Restricted Discretionary Activity. This will enable controls to be

⁶ 459.004, 459.005, 459.006, 459.037, 459.038 and 459.039

⁷ 1251.063, 1251.067 and 1251.071

assigned to ensure the effect of the crossing is not significant. The submission for the proposed new Restricted Discretionary Activity and definition of “*active bed of a river*” are dealt with elsewhere. With regards to the removal of Rules 2.11.4, 3.7.4 and 4.7.4, the submitter suggests the activity sought to be conducted under these Rules could be done with the effects on water quality being “*less than significant*”, this is a substantially different position from the Council, which developed these Prohibited Activity Rules due to the impact the activity has on water quality being such that it should not be allowed to occur. In this regard, the submitter has offered no evidence to contrary. Fonterra has lodged the same submissions⁸ on Rules 2.11.5, 3.7.5 and 4.7.5, for efficiency, the writers have not repeated their assessment and response in again in that section of this report.

120. The Fonterra submission (1251.073) seeks the proposed new definition for “active bed of the river” as discussed above. The submitter proposes that the meaning read as follows –

“Means the bed of a river (including any modified river) or artificial watercourse or that is permanently or intermittently flowing and where the bed is predominantly un-vegetated and comprises sand, gravel, boulders or similar material.”

Generally, the writers are not supportive of the introduction of what amounts to be another definition for river, especially with the ambiguity of the one suggested. Specifically, the writers do not support the provision amendments sought using this new term, so in that respect the new definition would be unnecessary if the relief sought is not accepted as recommended.

121. The Federated Farmers submissions⁹ seek the removal of Rules 2.11.4, 3.7.4 and 4.7.4 in their entirety. The submitter is of the view that a Prohibited Activity status has the effect of placing an activity ‘outside’ the plan and would require a private plan change application to allow consideration of the merits or otherwise of the activity. In Federated Farmers view there is no activity associated with farming that could justify the huge leap in costs, uncertainty of outcome and time delays associated with that activity class. Once a prohibited status has been applied to an activity there is no ability for the Council to consider extenuating or exceptional circumstances such as stock in water during flood or needing access to water bodies during drought for matters relating to animal health and wellbeing. A status that requires a resource consent still enables the council to assess each application on its own individual merits, and grant or decline as they see fit. As has been discussed in other submission assessments, the Council developed these Prohibited Activity Rules due to the impact the activity has on water quality being such that it should not be allowed to occur. In this regard, the submitter has offered no evidence to contrary. A resource consent would not be granted even if it was a Discretionary Activity because water quality standards could not be met. The Council is not going to prosecute a farmer who has to act for the welfare of their animals in a time of emergency but it is not appropriate to amend any provisions in the MEP to provide for these types of scenarios. Federated Farmers has lodged the same submissions¹⁰ on Rules 2.11.5, 3.7.5 and 4.7.5, for efficiency, the writers have not repeated their assessment and response in again in that section of this report.

122. The Dairy NZ submission (676.124) seeks the following amendments to Rule 3.7.4 –

*“From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a river when there is water flowing in the river, **except in the following circumstances:***

- ***where the crossing is necessary for stock safety reasons; or***
- ***the farm is already established prior to 9 June 2016 and crossing is necessary to farm operation; and***

⁸ 1251.064, 1251.068 and 1251.072

⁹ 425.076, 425.619 and 425.702

¹⁰ 425.478, 425.620 and 425.703

- ***there are practical difficulties in constructing bridges or culverts; and***
- ***the crossing is over an ephemeral waterbody”.***

The submitter is of the view that there are currently farmers that this would affect and potentially cut off a good proportion of their farm from use, and that there should be a mechanism to allow for these less than typical areas. During adverse weather events stock may need to cross waterways (on a non-regular basis) in order to avoid unnecessary harm to stock. Further, using the RMA definition of a 'river' as the areas that requires stock exclusion (which includes ephemeral waterbodies) will make farming nearly impossible in Marlborough due to high amount of ephemeral areas and intense rainfall events. Dairy NZ supports stock exclusion from waterways, however in some cases, there are practical difficulties of fencing stock out of waterbodies and some explicit allowance for crossings due to the high amount of ephemeral rivers on some established farms, as well as intense rainfall events, should be made and good practices should be followed in this instance to avoid adverse effects on water quality. Dairy NZ has lodged the same submission on Rule 3.7.5 (676.125) and essentially the same submission on Permitted Activity Standards 3.3.21.1 (676.088) and 4.3.20.1 (676.133), for efficiency, the writers have not repeated their assessment and response again in that section of this report

123. As noted in other submission assessments, the Council is not going to prosecute a farmer who is moving stock to safety in response to a flood, it is not necessary or appropriate to amend provisions across the MEP to provide for all types of emergencies. In the writers view it would not assist in remediating degraded water quality or preventing new degradation to provide an exception for all existing farms, in fact it would most likely make the provisions all but redundant. Likewise, the exception where there are practical difficulties in constructing bridges or culverts, every construction has practical difficulties. With regards to the amendments to the Rule regarding ephemeral waterbodies, there is already an exception for entering onto or passing across a riverbed for livestock if there is no water flowing in the river, and this would apply to both ephemeral and intermittently flowing rivers. The writers are in two minds about that exception as there will still be animal effluent deposited in the dry riverbeds that may be picked up during times of flow, so they do not support the greater enablement sought by the submitters for an exception for crossing ephemeral rivers at any time.
124. D and C Robbins, M Robb and G Robb in their submissions¹¹ seek that the status of this activity is changed from Prohibited to Discretionary as they are of the view that accidents or incidents can happen and livestock can get through fences and gates, this does not warrant a criminal conviction. The activity being Discretionary would not assist the submitters in the situations they describe as they are not anticipated, therefore a Discretionary Activity resource consent would not have been obtained anyway. The process around prosecutions is rigorous and not taken lightly, and mitigating circumstances would be considered. D and C Robbins, M Robb and G Robb has lodged the same submissions¹² on Rules 2.11.5 and 4.7.5 and similar submissions¹³ on the Permitted Activity Rule 3.1.21/Heading 3.3.21, Rule 4.1.20/Heading 4.3.20 and Method 15.M.6 so for efficiency, the writers have not repeated their assessment and response in again in that section of this report.
125. The K Register submissions (147.001 and 147.003) seek the removal of Rules 2.11.4 and 3.7.4 in their entirety. The submitter is of the view that without crossing the river at three points on their farm they cannot access parts of the farm as the cattle are moved to these paddocks through the river then remain in the paddocks (behind an electric fence) sometimes for months before necessitating another move across a waterway. The cattle

¹¹ 640.022, 640.045 and 640.057 (D and C Robbins), 935.022, 935.045 and 935.057 (M Robb) and 738.026, 738.045 and 738.057 (G Robb)

¹² 640.023 and 640.058 (D and C Robbins), 935.023 and 935.058 (M Robb) and 738.027 and 738.058 (G Robb)

¹³ 640.010, 640.039 and 640.052 (D and C Robbins), 935.010, 935.039 and 935.052 (M Robb) and 738.013, 738.040 and 738.052 (G Robb)

also have no water supply to these paddocks other than the river, and ploughing a waterpipe nearly 2km through three river crossings is not possible. During a part of the summer this river ceases to flow at all and is dry nearly the length of the submitters property. The submitter has restricted access to the river by way of a permanent fence where possible, since they have been there and will continue with this plan annually, however access to cross the water way at times during year and the watering of stock via these waterways is a vital part of this remaining a viable option for the land and their farming operation so the Plan needs to allow crossing of water ways for the farmers. The removal of these Prohibited Activity rules would leave the activity as Discretionary, and in the writer's view the submitter would not be successful in getting a resource consent as their activity would not be able to meet the water quality standards. It is likely from the submission however, that the submitters are seeking their activity to be permitted, which would not give effect to the higher provisions of this Plan, national directions or the RMA. The Council was mindful of the potential financial implications of this prohibition when developing the provisions, which was the predominant reason for the delay in the effect of the rule for six years from the date of notification. K Register has lodged the same submission on Rules 2.11.5 and 3.7.5 (147.002 and 147.004), for efficiency, the writers have not repeated their assessment and response in again in that section of this report.

126. The G Barnett submission (1258.003) and the S and S Leov submission (326.004) seek the removal of Rule 2.11.4 in its entirety, and the G Barnett submission (1258.007) seek the removal of Rule 3.7.4 in its entirety. The submitters are of the view that the water quality Standards 3.3.21.2 and 3.3.21.3 are all that is required. No person conducting the activity described in Rule 2.11.4 would meet Standards 3.3.21.2 and 3.3.21.3, which would make their activity Discretionary, and in the writers view a resource consent would not be granted as the activity would not be able to meet the water quality standards. So, the relief sought by the submitters is unlikely to resolve any concerns they may hold that motivated their submissions. The Leov's also raised the issue of moving stock in emergency situations, the writer's response to that concern is in the assessment of C Bowron's submission 88.006 below. G Barnett, and S and S Leov have lodged the same submissions on Rule 2.11.5 (1258.004 and 326.005), for efficiency, the writers have not repeated their assessment and response in again in that section of this report. G Barnett has also lodged the same submission on Rule 3.7.5 (1258.008), for efficiency, the writers have not repeated their assessment and response in again in that section of this report.
127. The H Thomson submission (119.001) seeks an exception to Rule 3.7.4 to allow intensively farmed beef cattle to pass through riverways infrequently, i.e. once a month for drenching. The submitter also seeks for the government to assist financially for fencing water ways and providing bridging for stock to cross waterways as farmers cannot absorb this cost. The second matter is outside the scope of the MEP and is not addressed further. The submitter has not provided any evidence to demonstrate that infrequent crossings of intensively farmed livestock would meet the water quality standards. If the submitters activity were permitted, in the writer's view, it would not give effect to the higher provisions of this Plan, national directions or the RMA. The Council was mindful of the potential financial implications of this prohibition when developing the provisions, which was the predominant reason for the delay in the effect of the rule for six years from the date of notification. H Thomson has lodged the same submission on Rule 3.7.5 (120.001), for efficiency, the writers have not repeated their assessment and response in again in that section of this report.
128. The K Loe submission (454.067) supports Rule 2.11.4 if the definition of "*intensively farmed livestock*" is amended. K Loe's submission on the definition is dealt with elsewhere so no further assessment is made here, and the recommendation for 454.067 is based on the outcome for the submission on the definition. K Loe has lodged the same submission on Rule 2.11.5 (454.077), for efficiency, the writers have not repeated their assessment and response in again in that section of this report.

129. The Flaxbourne Settlers Association submission (712.015) supports Rule 2.11.4 if the Permitted Activity rules and standards around stock crossing or accessing the bed of a river are amended. Flaxbourne Settlers Association's submission on these other provisions are dealt with elsewhere so no further assessment is made here, and the recommendation for 712.015 is based on the outcome for their other submissions. The Flaxbourne Settlers Association has lodged the same submission on Rule 2.11.5 (712.016), for efficiency, the writers have not repeated their assessment and response in again in that section of this report.
130. The Flaxbourne Settlers Association submission (712.019) and the K Loe submission (454.121) seek for Rule 3.7.4 to be replaced with a Controlled Activity Rule as, in the submitters views, this would allow a landowner to apply for a consent for infrequent river crossings in particular circumstances to enable continued farm operations. As the Council developed Prohibited Activity rules due to the impact the activity has on water quality being such that it should not be allowed to occur, to change to a position where a resource consent for the activity could not be refused is considered untenable by the writers, particularly as the submitters have offered no evidence to support this change that demonstrates the activity would meet the water quality standards. The Flaxbourne Settlers Association and K Loe have lodged the same submission on Rule 3.7.5 (712.020 and 454.122), for efficiency, the writers have not repeated their assessment and response in again in that section of this report.
131. The C Bowron submissions (88.006 and 88.011) on Rules 2.11.4 and 3.7.4 seek an amendment that will allow for cases of emergency for animal welfare requirements. The submitter is of the view that there always has to be the availability of water for livestock, and in cases of emergency e.g. heavy snow, earthquake damage, damage to water systems there must be the opportunity to access water for livestock welfare. The Hall Family Farms submission (141.012) similarly seeks the Prohibited Activity is changed to a Permitted Activity for emergency reasons, for example shifting stock in a flood. The Council is not going to prosecute a farmer who is has to act for the welfare of their animals in a time of emergency but it is not appropriate to amend any provisions in the MEP to provide for these types of scenarios. C Bowron has lodged the same submission on Rules 2.11.5 and 3.7.5 (88.016 and 88.018), for efficiency, the writers have not repeated their assessment and response in again in that section of this report. Hall Family Farms has lodged the same submission on Rule 3.7.5 (141.013), for efficiency, the writers have not repeated their assessment and response in again in that section of this report
132. ME Taylor Limited has lodged a submission (472.024) on Rule 2.11.4 that is not seeking any clear decision but seeking clarification of "*intensively farmed livestock*", however there is nothing in the submission to elaborate on what specific clarification is sought. No assessment or recommendation on this point has been made. ME Taylor Limited has lodged the same submission on Rule 2.11.5 (472.025), for efficiency, the writers have not repeated their assessment and response in again in that section of this report.
133. The Landcorp submission (294.002) seeks the following amendments to Rule 3.7.4 –

*"From 9 June 2022, permitting intensively farmed livestock to enter onto the bed of a river when there is water flowing in the river, **except for mustering, droving and processing of cattle through yards.**"*

The submitters have sought clarification that intensively farmed livestock does not include extensively farmed animals that may be mustered into closer groupings and driven to yards. The writers can confirm that Molesworth Station is exactly the type of situation that the Rule and associated definition is not intended to capture. The exception is unnecessary and would be confusing if applied to the Rule. Landcorp has lodged the same submission on Rule 3.7.5 (294.003), for efficiency, the writers have not repeated their assessment and response in again in that section of this report.

134. Mt Zion has lodged a submission (515.020) on Rule 3.7.4 that seeks removal of the provision in its entirety. There is no information in the submission to elaborate on the reason this is sought so no assessment has been made on this point. Mt Zion has lodged the same submission on Rule 3.7.5 (515.019), for efficiency, the writers have not repeated their assessment and response in again in that section of this report.

Recommendations

135. It is recommended that the EDS **submission points 698.115 and 698.116 are rejected** as a delay in the effect of the Rule is considered reasonable for the imposition this new prohibition, the language of a Prohibited Activity rule has to be especially clear and explicit, and the submitter has not offered any wording to be consider regarding the inclusion of margins, and the risks to water quality when animal effluent is deposited onto a dry riverbed by stock are less and a prohibition is not considered to be appropriate in that circumstance.
136. It is recommended that the Forest and Bird **submission points 496.076 and 496.077 are rejected** as a delay in the effect of the Rule is considered reasonable for the imposition this new prohibition.
137. It is recommended that the DOC and the Environment Centre **submission points¹⁴ 1193.126 and 1193.127 are rejected** as the Council's approach to wetlands was purposeful and the result of a consultative process, and the submitter has provided no information to counter the Council's approach. With regards to lakes, there may be some benefit to lakes from full stock exclusion but it is a significant change in the Rules with a potentially significant cost associated with it, and the submitter has not provided any supporting information for the change, the writers do not recommend lakes are added to the Rules at this time.
138. It is recommended that the Beef and Lamb NZ and the S MacKenzie **submission points¹⁵ are rejected** as the Council determined that intensively farmed livestock entering onto the bed of a river when there is water flowing in the river warranted a Prohibited Activity due to the impact the activity has on water quality being such that it should not be allowed to occur, and the submitters have offered no evidence to counter this position.
139. It is recommended that the Fonterra **submission points¹⁶ are rejected** as the Council developed these Prohibited Activity Rules due to the impact the activity has on water quality being such that it should not be allowed to occur. In this regard, the submitter has offered no evidence to contrary.
140. It is recommended that the Fonterra **submission point 1251.073 is rejected** as the writers are not supportive of the introduction of what amounts to be another definition for river, especially with the ambiguity of the one suggested, and the provision amendments sought using this new term are not supported, so in that respect the new definition would be unnecessary if the relief sought is not accepted as recommended.
141. It is recommended that the Federated Farmers **submission points¹⁷ are rejected** as the Council developed these Prohibited Activity Rules due to the impact the activity has on water quality being such that it should not be allowed to occur and the submitter has offered no evidence to contrary, a resource consent would not be granted even if it was a Discretionary Activity because water quality standards could not be met, and it is not appropriate to amend any provisions in the MEP to provide for emergency scenarios.
142. It is recommended that the Dairy NZ **submission points¹⁸ are rejected** as it is not necessary or appropriate to amend provisions across the MEP to provide for all types of emergencies, it would not assist in remediating degraded water quality or preventing new

¹⁴ 479.177, 479.178, 479.179, 479.214, 479.215, 479.237 and 479.238 (DOC), and 1193.126 and 1193.127 (Environment Centre)

¹⁵ 459.004, 459.005, 459.006, 459.037, 459.038 and 459.039 (Beef and Lamb NZ), and 1124.014, 1124.015, 1124.018 and 1124.019 (S MacKenzie)

¹⁶ 1251.063, 1251.064, 1251.067, 1251.068, 1251.071 and 1251.072

¹⁷ 425.076, 425.077, 425.619, 425.620, 425.702 and 425.703

¹⁸ 676.088, 676.124, 676.125 and 676.133

degradation to provide an exception for all existing farms and situations where there are practical difficulties in constructing bridges or culverts, and there is already an exception for entering onto or passing across a riverbed for livestock if there is no water flowing in the river that is sufficiently enabling. Overall, if the exceptions to the exclusion of stock from riverbeds were allowed, the provisions notified would become essentially redundant and the protections for water quality they seek to provide would be lost.

143. It is recommended that the D and C Robbins, the M Robb and the G Robb **submission points¹⁹ are rejected** as the activity being Discretionary would not resolve the submitters concerns as the situations they describe are not anticipated, therefore a Discretionary Activity resource consent would not have been obtained anyway.
144. It is recommended that the K Register **submission points²⁰ are rejected** as the removal of the Rules and the status of the submitters activity as Discretionary or Permitted would not give effect to the higher provisions of this Plan, national directions or the RMA.
145. It is recommended that the G Barnett and the S and S Leov **submission points²¹ are rejected** as the relief sought by the submitters is unlikely to resolve concerns they may hold, and it would not give effect to the higher provisions of this Plan, national directions or the RMA. And, it is not appropriate to amend any provisions in the MEP to provide for emergency situations.
146. It is recommended that the H Thomson **submission points 119.001 and 120.001 are rejected** as the submitter has not provided any evidence to demonstrate that infrequent crossings of intensively farmed livestock would meet the water quality standards, and the submitters activity would not give effect to the higher provisions of this Plan, national directions or the RMA.
147. It is recommended that the K Loe **submission points 454.067 and 454.068 are rejected** as the submitter only supports the retention of the Rule on the basis that his submission on the definition of “*intensively farmed livestock*” is accepted, and that has not been recommended.
148. It is recommended that the Flaxbourne Settlers Association **submission points 712.015 and 712.016 are rejected** as the submitter only supports the Rule if their submissions on the Permitted Activity rules and standards around stock crossing or accessing the bed of a river are accepted, and that has not been recommended.
149. It is recommended that the Flaxbourne Settlers Association and the K Loe **submission points²² are rejected** as the change from a prohibition to a position where a resource consent for the activity could not be refused is considered untenable by the writers, particularly as the submitter has offered no evidence to support this change that demonstrates the activity would meet the water quality standards.
150. It is recommended that the C Bowron and the Hall Family Farms **submission points²³ are rejected** as it is not appropriate to amend any provisions in the MEP to provide for emergency situations.
151. It is recommended that the Landcorp **submission points 294.002 and 294.003 are rejected** as the exception is unnecessary and would be confusing if applied to the Rules.
152. It is recommended that the Mt Zion **submission points 515.019 and 515.020 are rejected** as no information has been provided in the submission to elaborate on the reason this is, and

¹⁹ 640.010, 640.022, 640.023, 640.039, 640.045, 640.052, 640.057 and 640.058 (D and C Robbins), 935.010, 935.022, 935.023, 935.039, 935.045, 935.052, 935.057 and 935.058 (M Robb), and 738.013, 738.026, 738.027, 738.040, 738.045, 7358.052, 738.057 and 738.058 (G Robb)

²⁰ 147.001, 147.002, 147.003 and 147.004

²¹ 1258.003, 1258.004, 1258.007 and 1258.008 (G Barnett) and 326.004 and 326.005 (S and S Leov)

²² 712.019 and 712.0206 (Flaxbourne Settlers Association) and 454.121 and 454.122 (K Loe)

²³ 88.006, 88.011, 88.016 and 88.018 (C Bowron) and 141.012 and 141.013 (Hall Family Farms)

the removal of these Rules would not give effect to the higher provisions of this Plan, national directions or the RMA.

Prohibited Activity Rule 2.11.5, 3.7.5 and 4.7.5

153. Rules 2.11.5, 3.7.5 and 4.7.5 read as follows –

“From 9 June 2022, permitting intensively farmed livestock to pass across the bed of a river when there is water flowing in the river”.

154. There are two submissions²⁴ that support Rules 2.11.5, 3.7.5 and 4.7.5 and seek their retention as notified.

155. Most of the submissions on Rules 2.11.5, 3.7.5 and 4.7.5 are exactly the same as submissions on Rules 2.11.4, 3.7.4 and 4.7.4 so, for efficiency, they have been referenced in the section above on Rules 2.11.4, 3.7.4 and 4.7.4, and not repeated again here. The submissions below are the ones lodged that were different but from the same submitters on Rules 2.11.4, 3.7.4 and 4.7.4, or from submitters who did not lodge submissions on Rules 2.11.5, 3.7.5 and 4.7.5.

156. The NZ Deer Farmers submissions (991.006, 991.007 and 991.008) seek the removal of Rules 2.11.5, 3.7.5 and 4.7.5 in their entirety. The submitter is of the view that where livestock are contained for breakfeeding and therefore in large numbers within a small area, their exclusion from a riverbed and indeed the river banks is appropriate to minimise the level of risk that is posed for water quality degradation, however, where livestock are required to be shifted from one paddock to another and this requires the crossing of a waterbody the level of risk is subjectively much lower, particularly for deer. The first deer industry environmental focus farm in 2006 - 2009 monitored a mob of 400 deer crossing the Waimea Stream in Southland (when being moved from one paddock to another). The mob was timed at taking three minutes to cross; during that time and for four minutes after crossing, water quality guidelines (Australian and New Zealand Guidelines for Fresh and Marine Water Quality - October 2000) for *Escherichia coli* and Dissolved Reactive Phosphorus were exceeded, but over the course of a day these increases were negligible. Suspended sediment and ammonium-nitrogen measurements did not exceed the guidelines. Deer were clearly not excluded from the waterway but had minimal and transient environmental impact on water quality. Deer farming does not rely of frequent (daily) stock movements along dedicated routes. Stock movement tends to be actively managed for the purposes of feeding (movement between paddocks) or annual or infrequent movements to the deer shed (e.g. for velvetting, Tb testing if required, pregnancy scanning, sorting stock for slaughter). In these cases, deer move quickly through waterways (typically at set crossing points). With regards to the removal of Rules 2.11.5, 3.7.5 and 4.7.5, the submitter suggests the activity should not apply to deer as they have different effects than those of other animals. The writers are of a view that this is a matter that needs to be addressed in relation to the definition of “*intensively farmed livestock*”, i.e. if deer grazed on irrigated land is to be removed from the definition, then Rules 2.11.5, 3.7.5 and 4.7.5 would no longer apply to the scenario discussed by the submitter. However, either way it would not be appropriate for Rules 2.11.5, 3.7.5 and 4.7.5 to be removed from the MEP as that would not give effect to the higher provisions of this Plan, national directions or the RMA.

157. The S Tripe submission (132.001) seeks the removal of Rule 2.11.5 in its entirety. The submitter is of the view that he has to cross his dairy cattle through the river infrequently and there is minimal impact on the river or its bed as it takes around 1 minute to cross the animals and water is slightly cloudy during this time and for about 30 seconds afterward. Making this a Prohibited Activity would remove his ability to farm this land and cause huge financial losses to both him and his landlord. All the waterways have been fenced and stock have no other access to the water. Bridging this river would cost the

²⁴ 1193.095 (Environment Centre), 509.289 and 509.326 (Fish and Game)

equivalent of several years income for his landlord. The submitter states that, if these animals were beef cows not dairy cows and he did not use the irrigation, it would not be classed as intensive farming and the crossing of the river would be permitted – a beef cow looks quite similar to a dairy cow and crosses a river the same way. There is undoubtedly a cost to farmers needing to change their practices for the maintenance or enhancement of water quality, to meet the community's expectations for being able to use waterbodies for drinking water, swimming, mahinga kai, and for aquatic ecosystems to be healthy and protected. However, the Council has obligations that have been set by central government, and a responsibility to the community, to put in place management around water quality to ensure it is not degraded and supports national and local values. The submitter has not provided any evidence to support his assertions that his activity has "*minimal impact on the river*" (and therefore would meet the water quality standards) or his inference that there is no difference between farming beef cattle and farming dairy cattle.

158. The Beef and Lamb NZ submissions (459.040, 459.041 and 459.042) seek the removal of Rules 2.11.5, 3.7.5 and 4.7.5 in their entirety. The submitter is of a view that it is unrealistic to totally prohibit this activity for beef cattle. Beef cattle are moved less frequently when compared with dairy cattle, making the risk profile vs the cost of establishing bridges and culverts different. The submitter also notes that, in its view, there are issues with interpreting this rule. What determines the difference between intensively farmed beef cattle and non-intensively farmed beef cattle while they are being shifted between paddocks? Beef and Lamb NZ believes these rules would be easy to rort and provide no environmental benefit. Under the definition of "*intensively farmed livestock*", not all beef cattle would be caught by these rules as suggest by the submitter, and this acknowledges that there is a difference between beef and dairy cattle. The issue of interpretation is covered in relation to the submissions on the definition of "*intensively farmed livestock*", so the writers will not repeat it again here. The statement that these Prohibited Activity rules will provide no environmental benefit is a bold one that the submitter has not substantiated with any evidence.
159. The P Bown submission (299.001) seeks amendments to Rule 3.7.5 to provide dispensation for reasonable accidental stock entering a waterway, and for the limited brief movement of sheep & beef animals across the bed of a river. The submitter is of a view that while he agrees that stock should be kept out of rivers some dispensation should be given in the case of reasonable accidental stock entry through flood or windblown tree damaged fences until repairs can be made. The submitter states that stock is shifted across Timms Creek from time to time, usually monthly, for weighing, drenching and so on. It only takes a few minutes to cross the river bed directly to another paddock or yards but would involve a journey of up to 3 kilometres to shift stock down to the nearest bridge and back, alternatively it would be very expensive to build a closer stock bridge. The matter of stock movements in emergencies has been well covered on other submissions, so is not repeated here, as have requests to enable limited access to riverbeds. However, the submitter demonstrates a useful point, their activity, while short and perhaps infrequent in nature, will adversely effect water quality, however they have an existing alternative that would keep the stock out of the water but at cost and inconvenience to him and his stock. Where should the costs of the effects of stock in the water sit, with the farmer or with the river/community?

Recommendations

160. It is recommended that the NZ Deer Farmers **submission points 991.006, 961.007 and 991.008 are rejected** as the matters raised are best dealt with in relation to the definition of "*intensively farmed livestock*". However, regardless of that outcome way it would not be appropriate for Rules 2.11.5 and 3.7.5 to be removed from the MEP as that would not give effect to the higher provisions of this Plan, national directions or the RMA.
161. It is recommended that the S Tripe **submission point 132.001 is rejected** as the submitter has not provided any evidence to support his assertions that his activity minimal impact or his inference that there is no difference between farming beef cattle and farming dairy cattle.

Further, it would not be appropriate for Rule 2.11.5 to be removed from the MEP as that would not give effect to the higher provisions of this Plan, national directions or the RMA.

162. It is recommended that the Beef and Lamb NZ **submission points 459.040, 459.041 and 459.042 are rejected** as the via the definition for “*intensively farmed livestock*”, the provisions provide for the differences between beef and dairy cattle, and the submitters statement that these Prohibited Activity rules will provide no environmental benefit is not substantiated by any evidence.
163. It is recommended that the P Bown **submission point 299.001 is rejected** as the relief sought would not give effect to the higher provisions of this Plan, national directions or the RMA, and, it is not appropriate to amend any provisions in the MEP to provide for emergency situations.

Permitted Activity Rules 2.7.9, 3.1.21 and 4.1.20 (and associated Headings 2.9.9, 3.3.21 and 4.3.20)

164. Rules 2.7.9, 3.1.21 and 4.1.20 (and associated Headings 2.9.9, 3.3.21 and 4.3.20)_read as follows –

“Livestock entering onto, or passing across, the bed of a river”.

165. There are 72 submissions²⁵ that support Rules 2.7.9, 3.1.21 and 4.1.20 (and associated Headings 2.9.9, 3.3.21 and 4.3.20) and seek their retention as notified.
166. The H Thomson submission (121.001) seeks an exception to Rule 2.7.9 to allow intensively farmed livestock to cross a river infrequently, i.e. once every few weeks to take to yards for animal health or to another paddock location. The submitter has not provided any evidence to demonstrate that infrequent crossings of intensively farmed livestock would meet the water quality standards. If the exception was provided to allow for the submitters activity then, in the writer’s view, the Rule would no longer give effect to the higher provisions of this Plan, national directions or the RMA.
167. The P Bown submission (298.001) seeks dispensation for reasonable accidental stock entry to waterways, and to still be able to briefly move a mob of sheep and beef stock from one side of Timms creek to the other periodically. The submitter is of a view that while he agrees that stock should be kept out of rivers some dispensation should be given in the case of reasonable accidental stock entry through flood or windblown tree damaged fences until repairs can be made. The submitter states that stock is shifted across Timms Creek from time to time, usually monthly, for weighing, drenching and so on. It only takes a few minutes to cross the river bed directly to another paddock or yards but would involve a journey of up to 3 kilometres to shift stock down to the nearest bridge and back, alternatively it would be very expensive to build a closer stock bridge. The submitter also notes he does irrigate pasture and food crops. The matter of stock movements in emergencies has been well covered on other submissions, so is not repeated here, as have requests to enable limited access to riverbeds (see submitters submission 299.001 on Rule 3.7.5). The writers note that sheep are not caught by Standard 2.9.9.1 of the Rule as notified.
168. The Flaxbourne Settlers Association submissions (712.013, 712.014, 712.017 and 712.018) seek the amendment of Rules 2.7.9, 2.10.1, 3.1.21 and 3.6.1 to ensure that clarity around

²⁵ 367.002 (N & C Morrison), 179.003 and 179.004 (Tui Nature Reserve), 378.007 and 378.006 (R & H Hill), 524.005 and 524.006 (A Doole), 529.005 and 529.006 (A Parr), 532.005 and 532.006 (A Millen), 599.005 and 599.006 (C Soderberg Jr), 598.005 and 598.006 (C McLean), 594.005 and 594.006 (C McBride), 662.005 and 662.006 (D McBride), 701.005 and 701.006 (F Chaytor), 833.005 and 833.006 (J Tillman), 827.005 and 827.006 (J Rossell), 861.005 and 861.006 (K Raeburn), 865.005 and 865.006 (K Walshe), 915.005 and 915.006 (M Dewar), 972.005 and 972.006 (Millen Associates Limited), 1049.005 and 1049.006 (Silverwood Partnership), 1109.005 and 1109.006 (S Browning), 1194.006, (The Sunshine Trust) 1230.005 and 1230.006 (W Tillman), 1209.005 and 1209.006 (V Frei), 1228.005 and 1228.006 (W Oliver), 715.393 and 715.435 (Forest and Bird), 118.001 (H Thomson), 418.014 and 418.015 (J Craighead), 419.009 and 419.010 (Fly-fish Marlborough), 420.005 and 420.006 (Windsong Orchard), 421.005 and 421.006 (J Steggle), 422.005 and 422.006 (J Richardson), 509.310 (Fish and Game), 1035.007 (Wilhelmus/Ormond), 455.037, 455.038 and 455.048 (J Hickman), 456.037, 456.038 and 456.048 (G Mehlhopt), 548.133 (AWUG), 479.174, 479.175, 479.207, 479.208, 479.231 and 479.232 (DOC)

which stock can cross rivers and at what times is provided, and that these rules are practical, certain and able to be implemented without extensive or costly water quality testing. The submitters are of the view that the provision is currently unclear, unenforceable and impractical to adhere to. It is not obvious to the writers specifically what the submitters are specifically unclear about, potentially the writers recommended change to Standard 2.9.9.2 may assist. Subject to further information being received at the hearing, no further assessment of this submission point has been made.

169. The Ernslaw One Limited submission (505.019) seeks the amendment of Rule 2.7.9 as follows –

“Livestock ~~entering onto, or~~ passing across, the bed of a river”.

The submitters are of the view that the Rule is in conflict with the Governments stated objective of stock exclusion from the beds of rivers (with an exception for the low intensity grazing of sheep). The submitter states that the Minister of the Environment has endorsed the Land and Water Forum recommendation (agreed by Beef and Lamb) that, by way of regulation, all stock should be excluded from all waterbodies, with cows on all dairy platforms excluded by July 2017. The writers are confused by the submission as the submitters very specifically seek to have “entering onto” removed from the Rule, however its reasoning would suggest that the “passing across” aspect of the Rule should be of just as much concern. While mindful of changes at a central government level, the provisions are a product of an extensive review process within the local environment, and in the writer’s view that is appropriate at this time.

170. The ME Taylor submissions (472.022 and 472.023) seek to be able to cross cattle which are not farmed intensively across a river bed as part of a sound management rotational grazing process. This Rule enables that, so long as the Standards are met, on this basis no further assessment or recommendation is made as the submitters concerns are already addressed in the notified provision.

171. The K Loe, BRIL, Middlehurst Station Limited and Willowgrove Dairies Limited submissions²⁶ all support the Rules (and associated Standards) if the definition of *“intensively farmed livestock”* is amended. The submissions on the definition are dealt with elsewhere so no further assessment is made here, and the recommendation for the submission points on Rules 2.7.9, 3.1.21 and Standard 3.3.21.1 are based on the outcome for the submissions on the definition.

172. The Fonterra submissions²⁷ seek the amendment of the Rules to ensure that stock are prevented from accessing the active bed of a river unless as part of a managed crossing, and to provide for periodic stock crossings as a Restricted Discretionary Activity with controls to ensure effects are not significant. The writers seek further clarification from the submitter as based on this relief sought, stock could only cross (not enter the riverbed) and only as part of a managed crossing. As the submitters have not provided specific wording changes, it is not clear if this is what is intended, and therefore *“entering onto”* would be removed from the Rules, and Standards would be added (and probably a definitions) re *“managed crossing”*, or not. With regards to the new Restricted Discretionary Activity, the issue of providing for temporary, short-term or periodic crossings has been discussed relative to many other submissions so is not repeated here. The writers find no persuasive argument in the submission for the Rules being more restrictive as the submission seems to suggest, so at this time no changes are recommended to the Rules.

173. The MFIA submissions (962.132 and 962.133) seek the amendment of Rule 2.7.9 in accordance with Land and Water Forum recommendation. The submitters are of the view

²⁶ 454.059 and 454.102 (K Loe), 462.039 and 462.040 (BRIL), 970.022 and 970.023 (Middlehurst Station Limited), and 1237.003 and 1237.004 (Willowgrove Dairies Limited)

²⁷ 1251.061, 1251.062 1251.065, 1251.066, 1251.069 and 1251.070

that allowing livestock access to the beds of rivers is not consistent with the natural character of NZ rivers or lakes, sound water quality objectives, the purpose and principles of the Resource Management Act and the Land & Water Forum's agreed recommendation that, by way of regulation, all stock should be excluded from waterbodies. While mindful of changes at a central government level, the provisions are a product of an extensive review process within the local environment, and in the writer's view that is appropriate at this time. The submitters have provided no evidence to demonstrate that these Permitted Activities, with the Standards complied with, would not meet the water quality standards in the MEP.

174. The Federated Farmers submissions (425.472 and 425.561) seek the retention of Rules 2.7.9 and 3.1.21 subject to the relief sought of the associated Standards being accepted.
175. The Fish and Game submissions (509.275 and 509.276) seek the removal of these Rules in their entirety. The submitters are of the view that livestock can have significant adverse effects on the ecological and biodiversity values of freshwater bodies and therefore allowing access into and across the bed of a river is opposed. The provisions are a product of an extensive review process within the local environment and the submitters have provided no evidence to demonstrate that these permitted activities, with the Standards complied with, would not meet the water quality standards in the MEP.
176. The A Carter and K McGinty submission (26.001) seeks amendments to Rule 2.7.9 (Heading 2.9.9) to state that if there are stock on a property, then the streams and rivers need to be fenced off at least 20 metres above the high water line to prohibit access to stock and to allow for the regeneration of native flora. The submitters have provided no evidence to demonstrate that the Permitted Activity, with the Standards complied with, would not meet the water quality standards in the MEP and a 20 metre buffer is required. If the purpose of the buffer is for vegetation regeneration, then the relief sought is outside the scope of this hearing and is a matter to be addressed in relation to the biodiversity hearing topic.
177. The S and S White submission (93.005) seeks to have the same rules no matter how the animal is fed or farmed as long as the conditions of the water quality tests are met, so in practice the submitters seek the removal of the first Standard from the Rule. The submitter is of the view that it is good that stock can be allowed into the waterway but, if the water quality tests are passed then the MEP should not discriminate against the class of stock - the manure of a cow is the same whether she has been on irrigated land or break fed verses a cow that has not. Further, an intensive farming operation does not always necessitate large numbers of animals regularly crossing the water way. In the writers view, if the stock are of the type be limited in the first Standard of the Rule, then they will never meet the water quality standards, that is why the Prohibited Activities were developed. So even if the MEP did not "*discriminate against the class of stock*" in the Rule, the activity of dairy cattle entering onto or passing across the riverbed would not be permitted.
178. The G Leov submissions (320.001 and 320.002) seeks the definition of "*River*" in Chapter 25 be altered to read "*River has the same meaning as in Section 2 of the Act, except for the purposes of 2.9.9 (including provisions 2.9.9.1, 2.9.9.2 and 2.9.9.3) and for the purposes of 3.3.21 (including 3.3.21.1, 3.3.21.2 and 3.3.21.3) where river means a river whose bed has an average width of 3 metres or more*". The submitter is of the view that the definition of "*River*" should be altered for the purposes of the Rules to be the same as the definitions used in legislation that states the width (i.e. Section 230(4) of the RMA and Section 24(1)(c) of the Conservation Act), and the purpose (i.e. Section 229 of the RMA and Section 24(C)(ii) of the Conservation Act). He believes that the proposed alteration to the definition should meet the desire of the Council to care for water quality because both Act's list the preservation of water quality as a purpose of Esplanade Reserves/Strips and Marginal Strips and by inference have considered that 3 metres is a workable width for inclusion/exclusion from any provisions to achieve those purposes. The submitter believes this would then mean that all efforts and expenditure could be directed at excluding stock of any class from

waterways of 3 metres or greater width and this could potentially achieve prompt improvement in water quality by virtue of all the focus being on the greatest volumes of water. In the writers view the submitter has taken parts of other legislation out of context and applied them to these provisions inappropriately. Fundamentally, the submitter has not demonstrated that stock entering onto or passing across riverbeds less than 3 metres wide would meet water quality standards.

179. The S and S Leov submissions (326.001, 326.002 and 326.003) seeks the amendment of Rule 2.7.9 (Heading 2.9.9), Rule 3.1.21 (Heading 3.3.21) and Standard 4.3.20.1 as follows –

*“Livestock entering onto, ~~or passing across,~~ the **active** bed of a river waterway”.*

In line with this, the submitter also seeks the addition of Fonterra’s definition for “*active bed*” (*the bed of a river (including any modified river) or artificial watercourse that is permanently flowing and where the bed is more than a metre wide, permanently un-vegetated and comprises sand, gravel, boulders or similar material*) be adopted. The Leov’s also seek an extension of the period of time allowed for compliance with the Permitted Activity rules to 9 June 2022. The submitters are of a view that the RMA definition of river will render large portions of pastoral land unusable for farming any type of stock. In the writer’s view, the submitter has not demonstrated that stock entering onto or passing across riverbeds less than 1 metre, and wide would meet water quality standards, or that allowing stock access to all ephemeral or intermittently flowing rivers when water is flowing would not have adverse effects of water quality. Generally, the writers are not supportive of the introduction of what amounts to be another definition for river, especially with the ambiguity of the one suggested. The Permitted Activity rules are enabling rules, therefore the writers do not view it as appropriate to somehow apply timeframes within those provisions. The Prohibited Activities have delayed effect for six years from notification, this is considered the appropriate place for this to sit.

180. The Beef and Lamb NZ submissions²⁸ seek that the Rules are rewritten to be activity focused to allow Farm Environment Planning as an alternate pathway so that the MEP better achieves the intent outlined in Policy 4.1.1 (*Recognise the rights of resource users by only intervening in the use of land to protect the environment and wider public interests in the environment*). The submitter holds a generic view that the detailed nature of many of the rules in Volume 2 contradict this policy, and that the Council should introduce a method into the MEP that provides for and recognises the value of adopting Farm Environment Plans as an alternate to prescriptive activity based rules, as this would provide a better balance between ‘protecting the environment’, and minimising the extent of regulation, and would help the Council to better meet the aspirations of Policy 4.1.1. The submitter has provided no alternative wording for the Rules, no information to support the assertion that water quality will be better protected through the use of Farm Environment Planning and no significant detail about the proposed new Method and how that would be used by resource users and Council staff. Subject to further information being provided at the hearing, the writers do not recommend any changes to these Rules to reflect this submission.

181. The Beef and Lamb NZ submissions²⁹ seek that the Standards are amended so they focus on the effects of the activity not prescribing the activity itself, and are simplified so they are easy to interpret and understand. To this end, the submitter seeks the following amendment to Standard 2.9.9.1 (and all similar standards) –

*“**Except as provided by rule 3.3.1.2,** ~~the entering onto or passing across~~ the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river.”*

²⁸ 459.013, 459.014, 459.015 and 459.016

²⁹ 459.033, 459.034, 459.035 and 459.036

Essentially “rule 3.3.1.2” is a proposed new standard that would mean that the notified Permitted Activity Standards are replaced with a Farm Environment Plan Permitted Activity rule, or additional clauses are added to the Standard that will allow farmers to choose between adhering to the Permitted Activity rules and standards outlined in the MEP, or developing and implementing a Farm Environment Plan that would negate the need to comply with other Permitted Activity rules and standards.

The submitter is of the view that there are a number of issues with the restriction on “*passing across*” the bed of the river. Firstly, as the restriction for “*passing across*” is applied only to intensively farmed stock, the submitter queries how this will be interpreted into on-ground practice. The writers are not clear why the submitters have formed the view that “*passing across*” only applies to intensively farmed stock as the Permitted Activity rules apply to all livestock. The submitter notes there is a difference between stock crossings involving dairy cattle and crossings involving beef and deer, the writers are of a view that this issue is best addressed in relation to the definition of “*intensively farmed stock*”. Finally, the submitter is concerned about the divergence between the proposed provisions and government regulation that is being developed. Potential regulation in this area is not at a stage where the writers are of a view that it can be considered, and it is important that the Council proceeds with provisions that meet the community’s expectations around water quality, and enables the Council to meet its obligations under the NPSFM.

182. In line with its proposal, the submitter also seeks the removal of Standards 2.9.9.2 and 2.9.9.3 and their replacement with the following new standards –

“Livestock are able to enter water bodies for the purpose of crossing from one side to the other if they are being supervised and actively driven across the water body in one continuous movement”;

“If the farm/farming enterprise is operating under a council approved Farm Environment Plan, then the Farm Environment Plan takes precedence over conditions 1 and 2”; and

“The disturbance of the bed of a river and associated discharge through stock access that does not comply with conditions 1 and 2, or alternatively condition 3, is a discretionary activity.”

The submitter is of the view that farmers are required to comply with seven different conditions each time their stock enters a waterway, the writers are not clear on this interpretation as the Permitted Activity rules only have three Standards. Further the submitter is of a view that the average farmer may not understand some of the prescribed requirements, for example regarding the Munsell scale. The writers suggest that these concerns may be allayed by the recommended changes to the standards throughout the Plan with regards the Munsell scale and reflectance.

183. Finally, the submitter is of the view that the Council should provide an alternative pathway to exempt farmers from these stock exclusion rules if they identify, and mitigate environmental risks on their farms through a council approved Farm Environment Plan, and that this approach will encourage farmers to proactively assess their practices, and operate at good management practice or better - because they choose to. This proposal has been presented and assessed in other Beef and Lamb NZ submissions under the Rural Environment topic and the writers concur with the recommendation of the s42a report writer on those submission points, which is –

“...I note that the MEP explains within Policy 15.1.3 that there will be a progressive implementation of the NPSFM. Further, Method of implementation 15.M.3 states that catchment specific research to establish the capacity of fresh waterbodies to assimilate total

contaminant loads from within each catchment will be undertaken. MDC have also released a 'Staged Programme for Giving Effect to Policy A1 of the NPSFM' which sets out a three-stage program which includes progressively working towards the preparation and notification of plan changes to introduce cumulative limits. As a response to the catchment specific research, the introduction of Farm Management Plan may be an appropriate response. However, decisions on the most efficient and effective approach will need to be considered as part of this process. As such, I do not consider that any amendment to the standards are required at this stage".

184. In addition, it appears that the revised standards of the submitters would result in no requirement to meet any water quality standards, even if the alternate pathway was not chosen by a farmer. There are also questions around a Permitted Activity standard referring to a document that is "Council approved" – approved how? On what basis? Within what timeframes? Can further information be sought? Can the Farm Management Plan be "rejected"? Without the processes that normally exist, say in a resource consent framework, it is not clear how this would work in practice. The Council has some Permitted Activity standards in the MEP that do require the lodgement of documents, however in those instances the Council acts as a mailbox and there is no opportunity to consider the document beyond checking that it contains the required information. The writers are not clear why the last new standard is sought as non-compliance with the notified standards (and the submitters ones), already defaults to a Discretionary Activity.
185. The Fish and Game submission (509.201) seeks the inclusion of a schedule of farm practices, similar to that included as Schedule 24 of the Canterbury Land and Water Regional Plan, and to include rules which require compliance with the schedule for nutrient management, irrigation management, grazing of intensively farmed stock, cultivation and collected animal effluent. And in another submission (509.202), Fish and Game seek the inclusion of a schedule outlining requirements for Farm Environment Management Plans similar to Schedule 7 of the Canterbury Land and Water Regional Plan. Schedules 7 and 24 have been supplied by the submitters, however they are out of context and it is not clear how they are used in the Canterbury Plan. Schedule 24 includes definitions, matters that are already covered in MEP rules, matters that will be part of the setting of cumulative limits in the future and matters outside of the scope of water quality. Schedule 7 relates to the introduction of Farm Environment Management Plans but it is not clear if these are sought to be included in the MEP as a regulatory or non-regulatory tool, if it is the former then the recommendations made for other similar submissions also apply here. It is not clear from the submission, as presented, specifically what is sought to be added or amended in the MEP.
186. The Ravensdown Limited submission (1090.126) and the Fertiliser Association submission (1192.098) on Volume 3 similarly seek the inclusion of a new Appendix in the MEP that details the matters to be included in a Farm Environment Plan. In particular, the submitters adopt the Appendix proposed by the Fertiliser Association. This matter was discussed in relation to the Fertiliser Association's submission 1192.035 in the first s42a report for this hearing topic, as well as being discussed above in relation to other similar submissions. The recommendations for 1192.035 apply to submission point 1090.126, for the same reasons.
187. The D and K Register submission (485.001) did not seek specific relief but it has been inferred that Rule 3.1.21 is sought to be amended so that intensively farmed livestock are able to enter onto, or pass across, the bed of a river when water is flowing in it. The submitter is of this view as their paddocks are land locked by forest and steep hill so without crossing the river at three points cannot access these parts of the farm, and the cattle have no water supply to these paddocks other than the river, and ploughing a water pipe nearly 2km through two river crossings is not possible. As has been discussed in other submission assessments, intensively farmed livestock accessing the riverbed would not meet the water quality standards in the Standards, which would make the activity Discretionary, and in the writers view a resource consent would not be granted as the activity would not be able to

meet the water quality standards. So, the relief inferred to be sought by the submitter is unlikely to resolve any concerns they may hold that motivated this submission.

188. The Pukematai Farm Limited submission (1045.001) seeks amendment of the Standards under this Rule as each application to cross a river has to be looked at individually. The submitters are of the view that crossings should be allowed if it is only done only a few times per year. Further, that wild animals, trampers and vehicles also have potential to contaminate water bodies, and the definition regarding cattle and deer grazed on irrigated land or contained for breakfeeding winter crops is very unclear and hard to follow. The writers have previously discussed the issue of infrequent stock crossings and note that even these, if they involved intensively farmed livestock, would not meet water quality standards. The writers acknowledge that people and animals have the potential to contaminate waterways in other ways, however these effects are either de minimus, would have to meet water quality standards to be permitted, or are out of peoples control. Regarding the definition, there is not sufficient information in the submission to understand the submitters concerns.
189. The Environment Centre submission (1193.064) seeks that the activity status be changed from Permitted to Controlled, that the standards attached to permitted activity consents must be more rigorous and that farmers should be required to carry out annual, independently audited, annual monitoring of such activity and effects at their own rather than ratepayer expense. The submitter opposes the direction towards enabling land-users to carry out more rural activities without seeking resource consent than was the case in the past and expresses concerns about ratepayers pay for any monitoring rather than industries that are benefitting from the use of natural resources. The writers note that the enablement in Rule 3.1.21 does not reflect increased permissions over the existing operative Plans, in fact it is a tightening of the permissions that see some activities require consent and some being prohibited. In the writer's view, in addition to the details of the proposed Controlled Activity not being clear, a change to that status would not be appropriate in the circumstances and the framework that has been developed better protects water quality from contamination.
190. The G Webb submission (746.003) does not have a clear relief sought but suggests alternatives be explored, i.e., nutrient traps and filters where streams exit properties. The submitter notes that fencing waterways on his property would require at least 5km of deer fence at approximately \$30,000 a km, then bridging at \$50,000. He also notes issues with where to place fences due to upstream consents held by other parties that can affect the volume of water flowing through the rivers on his property. With regards to water quality, the submitter mentions some possible alternatives but does not elaborate on how these would sit as an option within the provisions to achieve the same purpose as the notified Rule. The writers also note that deer are heavily discussed elsewhere relative to the definition of intensively farmed livestock.
191. The H Ballinger, J and J Hellstrom, R Heta and Environment Centre submissions³⁰ seek some or all of the following –
- Livestock should be excluded from the beds of lakes, and Significant Wetlands and suitable setbacks to avoid adverse effects, a minimum of 1 metre from the bank of rivers and a minimum of 3 metres when break feeding practices are in place.
 - All cattle, pigs and deer should all be required to be excluded from rivers, lakes and the coastal marine area on all paddock blocks with an average slope of less than 15 degrees.
 - Sheep should also be excluded where they are being break fed or otherwise very intensively grazed.

³⁰ 351.018 and 351.019 (H Ballinger), 688.069 and 688.070 (J and J Hellstrom), 1066.005 and 1066.006 (R Heta) and 1193.091, 1193.092, 1193.093 and 1193.094 (Environment Centre)

- Exclusion could be through permanent or temporary electric fencing as appropriate. This would capture most of the more intensively farmed lowland areas while not capturing the less intensively farmed hill country areas.
- Anyone wanting to apply for consent to allow livestock access to waterways could then be required to monitor upstream and downstream of this activity to ensure it is not having adverse effects on water quality, thereby putting the onus for monitoring onto the landowner.
- Another way to clarify requirements would be to exclude stock from the rivers listed in Volume 1 Chapter 15 as degraded and at risk of degradation (inferred Tables 15.1 and 15.2). This is based on long-term monitoring information and most of these rivers are in areas where livestock access is clearly a contributing factor to the poorer water quality.

The submitters are of the view that livestock should not have access to these areas at all because of effects on water quality, biodiversity and aesthetic qualities. They state that Marlborough's State of Environment water quality reports consistently show impacts of livestock on water quality at a very broad scale, more localised monitoring would no doubt be more informative and while the submitters supports the attempts within the Plan to control livestock access to waterways, they do not believe that these go far enough or are effective and efficient in achieving the exclusion of livestock from rivers lakes and wetlands. In the submitters views, while it can be assumed that most livestock access to rivers could not meet the conditions in 3.3.21.2 and 3.3.21.3 this is unclear and a very indirect way of achieving livestock exclusion and will put the onus onto the Council (and therefore the ratepayers) to monitor specific situations to determine if they are or are not compliant with these complex requirements, and this is an inefficient method and costs do not lie where they should, i.e., with the landowner.

192. The issue of including lakes and wetlands in the exclusions is discussed in the assessment of the Fish and Game submission 509.190 in paragraph 49, and the same comments would apply here. The submitters do not provide any supporting information with regards to applying setbacks from the bank of rivers and breakfeeding areas, excluding all cattle, pigs and deer from the coastal marine area on all paddock blocks with an average slope of less than 15 degrees, or excluding sheep where they are being break fed or otherwise very intensively grazed. At this time, where risks to water quality have been identified, the writers are of the view that the notified provisions address those risks appropriately. The Council has been purposeful in not prescribing how stock is excluded from rivers, realistically this is likely to be by fencing in the main, but the provisions focus on avoiding an effect not how that is done (except for exclusions of intensively farmed livestock). Potential conditions of consent are not appropriate to cover in within the Permitted Activity. In the writer's view limiting stock only in rivers identified in Tables 15.1 and 15.2 would not be appropriate as they are used to apply management to address existing issues of water quality degradation, whereas this Rule is about preventing effects on water quality. Overall there are no specific matters in the relief sought that, based on the information provided, the writers would support resulting in amendments to the Rule. The C Shaw submissions (423.020 and 423.027) on Standard 3.3.21.2 seeks the same outcome with regards to Tables 15.1 and 15.2, therefore the assessment and recommendation are the same also.
193. The J Rudd submission (285.001) seeks amendment of the Rule to allow for infrequent crossings to be available at minimal cost. The submitter is opposed in part to the Rule as it is impractical, costly to monitor and enforce. The submitter has not provided any evidence to demonstrate that infrequent crossings of intensively farmed livestock would meet the water quality standards. If the submitters activity were permitted, in the writer's view, it would not give effect to the higher provisions of this Plan, national directions or the RMA. The Council was mindful of the potential financial implications of this prohibition when developing the

provisions, which was the predominant reason for the delay in the effect of the Prohibited Activity Rules for six years from the date of notification.

194. The M Chapman submission (348.024) seeks that acceptable classes of stock should be allowed to be grazed to the waters edge for weed suppression, fire hazard control and aesthetic benefits. It appears that the notified provisions already provide for the situation described by the submitter, so the writers are concerned that it is not clear what outcome is sought by the submitters. For this reason, no recommendation is made at this time and it is hoped the submission may be clarified at the hearing. M Chapman has lodged the same submission against Method 15.M.6 (348.016) and Volume 1, Chapter 14 (348.018), and Federated Farmers have lodged a similar submission (425.565) on Chapter 3, the writer's response is also the same.
195. The P Hunnisett submission (1016.002) seeks that livestock should not have access to lakes, wetlands, waterways or the coastal marine area where intensive cattle or sheep farming is practiced. The issue of including lakes and wetlands in the exclusions is discussed in the assessment of the Fish and Game submission 509.190 in paragraph 49, and the same comments would apply here. The submitters do not provide any supporting information with regards to restricting access to the coastal marine area or including sheep in the excluded stock. There are no specific matters in the relief sought that, based on the information provided, the writers would support resulting in amendments to the Rule at this time, however it is noted the definition of intensively farmed stock is debated elsewhere in this report (including the potential for sheep to be included).
196. The Environment Centre submissions (1193.096 and 1193.097) do not have any clear decisions sought for which assessments or recommendations can be made. The submitter comments that this is an unclear and indirect way of achieving livestock exclusion and will put the onus onto Council (therefore ratepayers) to monitor whether land users are compliant leaving costs with landowners. The writers note that the Permitted Activity rules are intended to be usable, and not are not a proxy for full exclusion.
197. The Sunshine Trust submission (1194.005) seeks the exclusion of stock from waterways to protect freshwater quality and ecosystems. The submission supports the provision so it is not clear whether exclusion is supported as notified, or additional exclusion is sought. The writers are not in a position to make a recommendation at this time given the brief nature of the submission.
198. The T Stein submissions (1179.019 and 1179.020) seek to exclude all stock from all of the rivers and their tributaries listed in tables 15.1 and 15.2 of Volume 1 of this plan and for other rivers adopt rules similar to other areas that state "***no heavy pugging or bare soil due to repeated or intense stock trampling should be obvious alongside or within the beds of rivers***". The submitter is of the view that Standards 3.3.21.2, 3.3.21.3, 4.3.20.2 and 4.3.20.3 require a high level of monitoring (presumably from council) and would be difficult to interpret on site by a land manager, and that these changes will protect freshwater quality and ecosystems. The rivers in tables 15.1 and 15.2 have been identified as the Council has information about degradation in those waterways, and provisions have been established to address that issue. It is the writers preference to leave those processes where they sit, particularly as it is known that the causes of some of the degradation is unrelated to stock access to rivers. The writers have acknowledged through their support of other submissions, that the Standards are not fit for purpose and have recommended changes, this may go some way to resolving the submitters concerns. The writers concern with the alternative offered is that it is only focused on what is happening on land at the waters edged, not in the water itself. The C Shaw submissions (423.019, 423.028 and 423.032) on Standards 3.3.21.3, 4.3.20.2 and 4.3.20.3 seek the same relief with regards to the "*pugging*" standard, therefore the same assessment and recommendation applies.

199. The S and T Wadworth submission (1121.006) seek removal of the Rule entirely as they are of the view that it impinges on farmer's rights to farm by moving a mob of sheep or cattle across a river. The writers note that this is an enabling Rule and its removal would mean that all stock access to riverbeds, unless a Prohibited Activity, would require a resource consent to be undertaken. It is likely that this was not the intention of the submitter in seeking the relief they have, therefore they may choose to provide further information at the hearing.

Recommendations

200. It is recommended that the H Thomson **submission point 121.001 is rejected** as the submitter has not provided any evidence to demonstrate that infrequent crossings of intensively farmed livestock would meet the water quality standards, and if the exception was provided the Rule would no longer give effect to the higher provisions of this Plan, national directions or the RMA.
201. It is recommended that the P Bown **submission point 298.001 is rejected** as the relief sought would not give effect to the higher provisions of this Plan, national directions or the RMA, and, it is not appropriate to amend any provisions in the MEP to provide for emergency situations.
202. It is recommended that the Flaxbourne Settlers Association **submission points³¹ are rejected** as the submitter has not provided sufficient information for the writers to understand specifically what changes are sought to the Rule.
203. It is recommended that the Ernslaw One Limited and the MFIA **submission points³² are rejected** as, while mindful of changes at a central government level, the provisions are a product of an extensive review process within the local environment, and in the writer's view that is appropriate at this time.
204. It is recommended that the K Loe, BRIL, Middlehurst Station Limited and the Willowgrove Dairies Limited **submission points³³ are rejected** as the submitters only supported the retention of these Rules on the basis that their submissions on the definition of "*intensively farmed livestock*" and the Permitted Activity rules are accepted, and that has not been recommended.
205. It is recommended that the Fonterra **submission points³⁴ are rejected** as the amendments to make the Rule more restrictive, as the submission seems to suggest, are not justified.
206. It is recommended that the Federated Farmers **submission points 425.472 and 425.561 are rejected** as the submitter only supported the retention of these Rules on the basis that its submission on the associated Standards are accepted, and that has not been recommended.
207. It is recommended that the Fish and Game **submission points 509.275 and 509.276 are rejected** as the provisions are a product of an extensive review process within the local environment and the submitters have provided no evidence to demonstrate that these permitted activities, with the Standards complied with, would not meet the water quality standards in the MEP.
208. It is recommended that the A Carter and K McGinty **submission point 26.001 is rejected** as the submitters have provided no evidence to demonstrate that the Permitted Activity, with the Standards complied with, would not meet the water quality standards in the MEP and a 20 metre buffer is required.

³¹ 712.013, 712.014, 712.017 and 712.018

³² 505.019 (Ernslaw One Limited) and 962.132 and 962.133 (MFIA)

³³ 454.059 and 454.102 (K Loe), 462.039 and 462.040 (BRIL), 970.022 and 970.023 (Middlehurst Station Limited), and 1237.003 and 1237.004 (Willowgrove Dairies Limited)

³⁴ 1251.061, 1251.062, 1251.065, 1251.066, 1251.069 and 1251.070

209. It is recommended that the S and S White **submission point 93.005 is rejected** as even if the MEP did not “*discriminate against the class of stock*” in the Rule, as the activity of dairy cattle entering onto or passing across the riverbed would never meet the water quality standards, the activity would still not be permitted.
210. It is recommended that the G Leov **submission points 320.001 and 320.002 are rejected** as in the writers view the submitter has taken parts of other legislation out of context and applied them to these provisions inappropriately, and fundamentally, the submitter has not demonstrated that stock entering onto or passing across riverbeds less than 3 metres wide would meet water quality standards.
211. It is recommended that the S and S Leov **submission points³⁵ are rejected** as the submitter has not demonstrated that stock entering onto or passing across riverbeds less than 1 metre, and wide would meet water quality standards, or that allowing stock access to all ephemeral or intermittently flowing rivers when water is flowing would not have adverse effects of water quality.
212. It is recommended that the Beef and Lamb NZ **submission points³⁶ are rejected** as the submitter has not provided sufficient information about any of the components of its submission for the writers to be able to recommend any changes to these Rules to reflect this submission.
213. It is recommended that the Beef and Lamb NZ **submission points³⁷ are rejected** as the changes proposed would not support the achievement of the higher provisions of the MEP or the Council’s implementation of the NPSFM.
214. It is recommended that the Fish and Game **submission points 509.201 and 509.202 are rejected** as it is not clear from the submission, as presented, specifically what is sought to be added or amended in the MEP.
215. It is recommended that the Ravensdown Limited **submission point 1090.126** and the Fertiliser Association **submission point 1192.098 are rejected** as Farm Management Plans are a best used as a non-regulatory tool at this time.
216. It is recommended that the D and K Register **submission point 485.001 and the Pukematai Farm Limited submission point 1045.001 are rejected** as the activity of dairy cattle entering onto or passing across the riverbed would never meet the water quality standards, so the activity would still not be permitted.
217. It is recommended that the Environment Centre **submission point 1193.064 is rejected** as, in addition to the details of the proposed Controlled Activity not being clear, a change to that status would not be appropriate in the circumstances and the framework that has been developed better protects water quality from contamination.
218. It is recommended that the G Webb **submission point 746.003 is rejected** as, based in the information supplied in the submission, it is not clear how the alternatives proposed would sit as an option within the provisions to achieve the same purpose as the notified Rule.
219. It is recommended that the H Ballinger, J and J Hellstrom, R Heta, P Hunnisett, C Shaw and Environment Centre **submission points³⁸ are rejected** as there are no specific matters in the relief sought that, based on the information provided, that the writers would support resulting in amendments to the Rule.

³⁵ 326.001, 326.002 and 326.003

³⁶ 459.013, 459.014, 459.015 and 459.016

³⁷ 459.033, 459.034, 459.035 and 459.036

³⁸ 351.018 and 351.019 (H Ballinger), 688.069 and 688.070 (J and J Hellstrom), 1066.005 and 1066.006 (R Heta), 1016.002 (P Hunnisett), 423.020 and 423.027 (C Shaw), and 1193.091, 1193.092, 1193.093 and 1193.094 (Environment Centre)

220. It is recommended that the J Rudd **submission point 285.001 is rejected** as the submitter has not provided any evidence to demonstrate that infrequent crossings of intensively farmed livestock would meet the water quality standards, and if the exception was provided the Rule would no longer give effect to the higher provisions of this Plan, national directions or the RMA.
221. It is recommended that the T Stein and C Shaw **submission points³⁹ are rejected** as the framework around the rivers identified in Tables 15.1 and 15.2 is already established in the MEP, and is appropriate, changes to the Standards recommended elsewhere in this report likely address some of the submitters concerns, and the alternative offered is only focused on what is happening on land, not in the water itself.
222. It is recommended that the S and T Wadworth **submission point 1121.006 is rejected** as the submitter appears to have misunderstood the effect of removing the Rule, and at this time the writers would not support requiring all stock access to, as a minimum, require a Discretionary Activity resource consent.

Standards 2.9.9.1, 3.3.21.1 and 4.3.20.1

223. Standards 2.9.9.1, 3.3.21.1 and 4.3.20.1 reads as follows –

“The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river”.

224. There are four submissions⁴⁰ that support Standards 2.9.9.1 and 3.3.21.1 and seek their retention as notified.
225. The Ernslaw One Limited submissions (505.021 and 505.022) seek the amendment of Standard 2.9.9.1 to include all stock other than non-intensively farmed sheep. No information is supplied to support this amendment. The relief sought is more appropriately considered in relation to the definition for “*intensively farmed livestock*”, which is dealt with elsewhere in this report. This submission is not supported on the basis that, regardless of the outcome of the submissions on the definition, it is not necessary or appropriate to amend the Standard.
226. The S and S White submission (93.004) seeks the removal of the word “Prohibited”. As the word prohibited is not in the Standard, it is inferred from the reason for the submission that removal of Standard 2.9.9.1 is sought. The submitters are of the view that if the conditions in Standard 2.9.9.2 can be achieved then the class of animals should be irrelevant, and that animals should never be prohibited from entering a water way as there needs to be allowances for natural disasters where animals need to be allowed into the river for their own good welfare. The Prohibited Activity rules exist as intensively farmed livestock entering onto or passing across a riverbed could not meet Standard 2.9.9.2. The writer’s response to arguments around emergency situations have been well covered in other submissions.
227. The K Register submission (148.001) seeks that the Standard be amended to allow for stock behind a wire being able to be grazed. The reasons for this submission are the same as the submitter lodged on the Prohibited Activity rules. It is not clear what is being sought here as the MEP is not prescriptive about how stock are prevented from access waterways, so if stock is behind a wire and cannot access the riverbed then they would comply with this Standard. No recommendation is made on this point as it is not clear what is being sought specific to Standard 2.9.9.1.
228. The Federated Farmers submissions⁴¹ seek that the Standards be amended as follows –

³⁹ 1179.019 and 1179.020 (T Stein) and 423.019, 423.028 and 423.032 (C Shaw)

⁴⁰ 454.060 and 454.103 (K Loe), 1035.008 (Wilhelmus/Ormond) and 715.375 (Forest and Bird)

⁴¹ 425.473, 425.562 and 425.665

*“The entering onto or passing across the bed of a river of stock must not involve intensively farmed livestock if there is water flowing in the river, **except in the following circumstances:***

- *where stock crossing occurs occasionally as part of grazing rotation, or*
- *to access other areas of a farm that are separated by the waterbody, or*
- *where the crossing is necessary for stock safety, or*
- *where there are practical difficulties constructing a bridge or culvert;”*

The submitter’s views related to the amendments sought are covered elsewhere but its final statement is that water quality standards will be sufficient to manage adverse effects that the Council is concerned about, so there is no need to single out particular types of livestock that cannot cross as permitted. While the exceptions sought could be provided, farmers would still not be able to comply with the water quality standards (2.9.9.2, 2.9.9.3, 3.3.21.2, 3.3.21.3, 4.3.20.2 and 4.3.20.3) if those activities involve intensively farmed livestock, so the exceptions would not make those activities permitted.

229. The D and C Robbins, M Robb and G Robb submissions⁴², it is inferred, seek that this Standard is removed so that the Permitted Activity rule applies to all stock. In the submitters views, there may be natural disasters that create problems with this and it is no fault of the farmer. The Council is not going to prosecute a farmer who is, for example, moving stock to safety in response to a flood or fire, and it is not appropriate to amend any provisions in the MEP to provide for these types of scenarios. It is not appropriate to allow all stock to access riverbeds due to the effects on water quality, and therefore the values of water resources.
230. The NZ Deer Farmers submissions⁴³ seek the removal of “*or passing across*” from the Standards although it is not clear to the writers the reason for this. It is understood that the submitter has issues with the definition of “*intensively farmed livestock*”, which are addressed elsewhere, however this submission seems to imply that if its relief sought regarding the definition was accepted, that this is still the amendment sought to Standards 2.9.9.1, 3.3.21.1 and 4.3.20.1. If deer are removed from the definition of “*intensively farmed livestock*” as sought, these Standards would no longer apply to deer. On the basis that either the submitter or the writers have misunderstood the provisions/submissions, no recommendation has been made ahead of clarification by the submitter.
231. The G Barnett submissions (1258.002 and 1258.009) seek the removal of Standards 2.9.9.1 and 3.3.21.1 as he is of the view that the water quality standards in 2.9.9.2, 2.9.9.3, 3.3.21.2 and 3.3.21.3 are all that is required. Intensively farmed livestock accessing a riverbed would not meet Standards 2.9.9.2, 2.9.9.3, 3.3.21.2 and 3.3.21.3, which would make their activity Discretionary, and in the writers view a resource consent would not be granted as the activity would not be able to meet the water quality standards. So, the relief sought by the submitter is unlikely to be resolve any concerns he may hold that motivated this submission.
232. The C Bowron submission (88.008) seeks that Standard 3.3.21.1 only apply if a river is more than 1 metre wide as the submitter is of the view that the Standards is too restrictive because small waterways through a paddock do not carry a significant quantity of water, and with the requirement not to cultivate close to waterways ensures a good grassed strip on each side. The submitter has provided no information to demonstrate that stock accessing rivers less than 1 metre wide would meet the water quality standards.
233. The Land Vision Limited submission (904.001) seeks that Standard 3.3.21.1 not apply to intermittent rivers. The submitter supports exclusion of all livestock from 'permanently flowing' rivers, however the Standard as written would include all 'intermittent'

⁴² 640.021 (D and C Robbins), 935.021 (M Robb) and 738.024 (G Robb)

⁴³ 991.003, 991.004 and 991.005

or 'ephemeral' rivers when water is flowing, which it does not support as the long-term effects of this include a major cost to the farmer through either retirement fencing or inaccessible land. Likewise, if all crossings of 'intermittent' waterways are to be bridged or culverted in order to remain operational during wet periods, according to the submitter, the impending cost for some farmers is likely to be quite substantial. The Council was mindful of the potential financial implications of the rules when developing the provisions, which was the predominant reason for the delay in the effect of the Prohibited Activity Rules for six years from the date of notification. The submitter has provided no information to demonstrate that stock accessing intermittently flowing or ephemeral rivers when flowing would meet the water quality standards.

234. The Forest and Bird submissions (715.394 and 715.436) seek to reword the Standards for clarity and add lake, wetland and coastal marine area. There is no information in the submissions to support these changes or justify the broadening of the provisions, therefore the writers do not support the relief sought.
235. The Tempello Partnership submissions⁴⁴ seek removal of the Standards entirely as they are of the view that they impinge on farmer's rights to farm by moving a mob of sheep or cattle across a river. The writers are of a view that the Rule without any standards would not support to higher provisions of the Plan or the Council's to meet its obligations under the NPSFM.
236. The Federated Farmers submission (425.666) does not seek any specific relief for which an assessment or recommendation can be made. The submitter makes a statement that because the definition of river used in the MEP is from the RMA it means the definition of river is broad and encompassing, and this means that this rule (assume Rule 3.1.21) applies to the movement of livestock across any continually or intermittently flowing body of freshwater including a stream or modified water course. The writers confirm this to be correct.
237. The Ragged Point Limited submission (1086.005) seeks to be able to graze waterways on private land. No further information is provided in the submission, on this basis there is nothing to persuade the writers that the relief sought would give effect to the higher provisions of this Plan, national directions or the RMA.

Recommendations

238. It is recommended that the Ernslaw One Limited **submission points 505.021 and 505.022 are rejected** on the basis that, regardless of the outcome of the submissions on the definition (which is where the concerns are dealt with), it is not necessary or appropriate to amend the Standard.
239. It is recommended that the S and S White **submission point 93.004 is rejected** as the relief sought is not appropriate and would not protect water quality.
240. It is recommended that the Federated Farmers **submission points⁴⁵ are rejected** as the amendments would not address the concerns of the submitter, and would suggest activities may be permitted, which through non-compliance with other standards would not be.
241. It is recommended that the D and C Robbins, M Robb and G Robb **submission points⁴⁶ are rejected** as it is not appropriate to amend any provisions in the MEP to provide for emergency scenarios, or to allow all stock to access riverbeds due to the effects on water quality, and therefore the values of water resources.
242. It is recommended that the G Barnett **submission points 1258.002 and 1258.009 are rejected** as the relief sought by the submitters is unlikely to resolve concerns they may hold,

⁴⁴ 429.006, 429.007 and 429.008

⁴⁵ 425.473, 425.562 and 425.665

⁴⁶ 640.021 (D and C Robbins), 935.021 (M Robb) and 738.024 (G Robb)

and it would not give effect to the higher provisions of this Plan, national directions or the RMA.

243. It is recommended that the C Bowron **submission point 88.008 is rejected** as the submitter has provided no information to demonstrate that stock accessing rivers less than 1 metre wide would meet the water quality standards.
244. It is recommended that the Land Vision Limited **submission point 904.001 is rejected** as the submitter the Council was mindful of the potential financial implications of the rules when developing the provisions, and the submitter has provided no information to demonstrate that stock accessing intermittently flowing or ephemeral rivers when flowing would meet the water quality standards.
245. It is recommended that the Forest and Bird **submission points 715.394 and 715.436 are rejected** as there is no information in the submissions to support these changes or justify the broadening of the provisions, therefore the writers do not support the relief sought.
246. It is recommended that the Tempello Partnership **submission points⁴⁷ are rejected** as the Rule without any standards would not support to higher provisions of the Plan or the Council's to meet its obligations under the NPSFM.
247. It is recommended that the Ragged Point Limited **submission point 1086.005 is rejected** as the relief sought would not give effect to the higher provisions of this Plan, national directions or the RMA.

Standards 2.9.9.2, 3.3.21.2 and 4.3.20.2

248. Standards 2.9.9.2, 3.3.21.2 and 4.3.20.2 reads as follows –

“After reasonable mixing, the entering onto or passing across the bed of a river by the livestock must not cause any conspicuous change in the colour or visual clarity of any flowing river, measured as follows:

(a) hue must not be changed by more than 10 points on the Munsell scale;

(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site;

(c) the change in reflectance must be <50%”.

249. There are two submissions⁴⁸ that support Standards 2.9.9.2 and 3.3.21.2 and seek their retention as notified.
250. The submissions on Standards 2.9.9.2, 3.3.21.2 and 4.3.20.2 seek various amendments of a similar nature and/or intent. The writers have set out the relief sought by each of the submitters, however have made a collective assessment and recommendation to address all of the submissions in the final paragraph of this section, immediately before the specific recommendations.
251. The S MacKenzie submissions⁴⁹ seeks the amendment of Standards 2.9.9.2 and 3.3.21.2 so they would read as follows (essentially (a) to (c) are removed) –

“After reasonable mixing, the entering onto or passing across the bed of a river by the livestock must not cause any conspicuous change in the colour or clarity of a flowing river.”

The submitter is of the view that the Standards as notified are unclear, unenforceable and impractical to adhere to.

⁴⁷ 429.006, 429.007 and 429.008

⁴⁸ 454.061 and 454.104 (K Loe)

⁴⁹ 1124.011, 1124.012 and 1124.016 – part

252. The S and S White submission (93.014) seeks the amendment of Standard 2.9.9.2 so the water quality tests that are required by the Council are easy to undertake and understand, as the submitter is of the view that the tests should be easy and simple to follow for the average person and should be economically viable to undertake.
253. The WilkesRM Limited submissions⁵⁰ seek that part (a) of these Standards are removed in their entirety. The submitter is of the view that whilst the Munsell scale has previously been utilised (see Appendix J WARMP), the use and interpretation of the Munsell scale is not something that lay people can be anticipated to be familiar with and it should be removed from these Standards with no replacement to define conspicuous change in colour or clarity.
254. The Federated Farmers, S Parkes and Dairy NZ submissions⁵¹ seek the removal of (a) and (c) from the Standards, as it is of the view that it is important that any water quality standards used within the Plan are practical and easy for resource users to understand and know whether or not they can comply.
255. The D and C Robbins, M Robb and G Robb submissions⁵² seek that (a) is removed from the Standards, as they are of the view that a more common measurement should be used in the Plan that is easily understood and easily carried out on the farm or in a commercial environment.
256. The Forest and Bird submission (715.376) seeks retention of the Standard but that it is amended to address the submission, specific wording changes have not been provided. The submitter notes that the focus is on pollution into flowing water during crossing, and that this ignores the urination and defecation outside of the river beds and that it encourages growth of vegetation. The submitter also states that, non-intensively farmed livestock should be progressively excluded from waterways. This Standard is specifically about measuring or observing an effect on water, in the writers view it would be inappropriate to try and modify this Standard to also be about effects on dry areas. At this time, the writers are of the view that stock other than intensively farmed livestock, that can meet water quality standards should be permitted to access a river.
257. The K Register submission (148.002) seeks that the Standard be removed as there is no way of measuring these clarity issues under (a), (b) or (c), how or who would collect this data, (e.g. change in reflectance on an overcast day), or under what procedures or reference to historical readings in the area or base would there be to compare them to?
258. The T James submission (307.010) on Standard 3.3.21.2 seeks a new clause (d) be added to read as follows –

“(d) an increase in the suspendible sediment of more than 30% as measured using Sediment Assessment Method 4 in Clapcott et al 2011”.

The submitter states that fine sediment is well known to cause significant adverse effects on benthic fish and invertebrate populations and it is the sediment that is deposited to the bed that is most important. There are many situations when the fine sediment in the water column has cleared, but there is significant deposited fine sediment within the bed matrix. The current provision will not adequately protect the environment. Although the writers agree with the submitter that fine sediment is known to cause significant adverse effects on instream aquatic life, the difficulty is that this only impacts hard bottomed streams. Some lowland streams naturally have fine sediment dominating the beds of the streams. The Clapcott et al methodology for Method 4 requires laboratory analysis to determine the level of sediment and therefore you would have to have a before reference to determine if there had been a 30% increase. For these reasons, the amendment sought is not practicable in all situations and therefore is inappropriate to include in the Standard.

⁵⁰ 359.019, 359.025, 359.034 and 359.035

⁵¹ 425.353, 425.474, 425.563 and 425.667 (Federated Farmers), 339.015 (S Parkes) and 676.089, 990.026 (Nelson Forests Limited) and 676.134 (Dairy NZ)

⁵² 640.024 (D and C Robbins), 935.024 and 935.065 (M Robb) and 738.025 and 738.003 (G Robb)

Collective Assessment

259. The writers have reviewed these Standards, and others the same or similar in other rules, and agree with many of the submitters that these Standards are not fit for purpose. The Munsell scale is not practical, and neither is the requirement relating to reflectance. None of the submitters have provided an alternative to the Munsell scale that the writers find to be acceptable, however we are still of the view that it is not an appropriate management tool in of itself. It is the writer's recommendation, which should be considered as a response to all of the submissions on these Standards unless stated otherwise, that Standards 2.9.9.2, 3.3.21.2 and 4.3.20.2 be amended to read as follows –

“After reasonable mixing, the entering onto or passing across the bed of a river by the livestock must not cause any conspicuous change in the colour or natural clarity of any flowing river due to sediment or sediment laden discharge originating from the activity site.”

Recommendations

260. It is recommended that the S MacKenzie **submission points**⁵³ **are accepted in part** as the writers are of the opinion that, in essence, parts (a) and (c) of these Standards are not fit for purpose, and will not assist in the protection of water quality from degradation. It is recommended that Standards 2.9.9.2, 3.3.21.2 and 4.3.20.2 are amended as follows –

*“After reasonable mixing, the entering onto or passing across the bed of a river by the livestock must not cause any conspicuous change in the colour or ~~visual~~ **natural** clarity of any flowing river, ~~measured as follows:~~*

~~(a) hue must not be changed by more than 10 points on the Munsell scale;~~

~~(b) the natural clarity must not be conspicuously changed due to sediment or sediment laden discharge originating from the activity site;~~

~~(c) the change in reflectance must be <50%.”~~

261. It is recommended that the S and S White **submission point 93.014** and the K Register **submission point 148.002** **are accepted in part** as the writers are of the opinion that, in essence, parts (a) and (c) of these Standards are not fit for purpose, and will not assist in the protection of water quality from degradation.

262. It is recommended that the WilkesRM Limited, D and C Robbins, M Robb and G Robb **submission points**⁵⁴ **are accepted** as the writers agree that part (a) of these Standards is not fit for purpose, and will not assist in the protection of water quality from degradation.

263. It is recommended that the Federated Farmers, S Parkes and Dairy NZ **submission points**⁵⁵ **are accepted** as the writers agree that parts (a) and (c) of these Standards are not fit for purpose, and will not assist in the protection of water quality from degradation.

264. It is recommended that the Forest and Bird **submission point 715.376** **is rejected** as the writers it would be inappropriate to try and modify this Standard to also be about effects on dry areas, and at this time, the writers are of the view that stock other than intensively farmed livestock, that can meet water quality standards should be permitted to access a river.

265. It is recommended that the T James **submission point 307.010** **is rejected** as the amendment sought is not practicable in all situations and therefore is inappropriate to include in the Standard.

⁵³ 1124.011 (part), 1124.012 (part) and 1124.016 (part)

⁵⁴ 359.019, 359.025, 359.034 and 359.035 (WilkesRM Limited), 640.024 (D and C Robbins), 935.024 and 935.065 (M Robb), and 738.025 and 738.003 (G Robb)

⁵⁵ 425.353, 425.474, 425.563 and 425.667 (Federated Farmers), 339.015 (S Parkes), , 990.026 (Nelson Forests Limited) and 676.089 and 676.134 (Dairy NZ)

Standards 2.9.9.3, 3.3.21.3 and 4.3.20.3

266. Standards 2.9.9.3, 3.3.21.3 and 4.3.20.3 reads as follows –

“After reasonable mixing, the entering onto or passing across the bed of a river by the livestock must not result in a change in concentration of following:

- (a) daily average carbonaceous BOD₅ due to dissolved organic compounds (i.e. those passing a GF/C filter);*
- (b) dissolved reactive phosphorus;*
- (c) dissolved inorganic nitrogen;*
- (d) Escherichia coli (E. coli)”.*

267. There are three submissions⁵⁶ that support Standards 2.9.9.3 and 3.3.21.3 and seek their retention as notified.

268. The MDC submissions⁵⁷ seek amendments to Standards so they read as follows –

*“After reasonable mixing, the entering onto or passing across the bed of a river by the livestock must not result in **the water quality of the river exceeding the a change in concentration** of following:*

- (a) **daily average 2mg/l** carbonaceous BOD₅ due to dissolved organic compounds (i.e. those passing a GF/C filter);*
- (b) dissolved reactive phosphorus;*
- (c) dissolved inorganic nitrogen;*
- ~~(d)~~ **(b) 260 Escherichia coli (E. coli)/100ml”.***

Following notification, further consideration was given to these Standards and the Council seeks these amendments as it will result in more appropriate and practical Standards. The writers support the relief sought.

269. The S MacKenzie submissions⁵⁸ seeks the removal of Standards 2.9.9.3 and 3.3.21.3 in their entirety as he considers them to be unclear, unenforceable and impractical to adhere to. As indicated above, the writers would agree to this view to a point and have recommended changes to the Standards that may address the submitters concerns to some extent.

270. The K Register submission (148.003) seeks that Standard 2.9.9.3 is removed as clauses (a), (b), (c) and (d) are unable to be calculated. And, the Federated Farmers submissions (425.475, 425.564 and 425.668) seek that Standards 2.9.9.3, 3.3.21.3 and 4.3.20.3 are removed as it is important that any water quality standards used within the Plan are practical and easy for resource users to understand and know whether or not they can comply. The Council recognised in its submission 91.245 above that there were issues with the Standards as notified and seek to amend the Standards accordingly, so this may go some way to addressing the submitters concern. Removal of the Standards in their entirety would not protect water quality.

271. The Forest and Bird submissions (715.395 and 715.437) seek amendments to Standards 3.3.21.3 and 4.3.20.3 to include visual clarity/sedimentation as it is of the view that the Standards do not provide sufficient protection of water quality. The writers are of the view that this matter is addressed in Standards 3.3.21.2 and 4.3.20.2, including as amended through the Council’s submission. It is not clear what more the submitter is seeking.

⁵⁶ 454.062 and 454.105 (K Loe), and 1140.033 (Sanford Limited)

⁵⁷ 91.243, 91.244 and 91.245

⁵⁸ 1124.011, 1124.012 and 1124.016 – part

272. The Dairy NZ and S Parkes submissions⁵⁹ seek the removal of Standards 3.3.21.3 and 4.3.20.3 as they are of the view that it will be extremely difficult for landowners to know if they are compliant with all these measurements. The Council recognised in its submission 91.245 above that there were issues with the Standards as notified and seek to amend the Standards accordingly, so this may go some way to addressing the submitters concern.
273. The S Parkes submission (339.016) does not seek specific relief for which an assessment or recommendation can be made. The submitter asks the question – “*Why has intensively farmed livestock been exchanged for intensively farmed lowland properties from the NPS (Accord)*”, and also notes that if lowlands was used it would remove a number of areas in Marlborough. The writers are not clear on what the submitter is referring to, so have no further comment.

Recommendations

274. It is recommended that the MDC **submission points⁶⁰ are accepted** as the writers are of the opinion that the Standards as notified are not fit for purpose, and the amendments will mean the Standards appropriately protection of water quality from degradation. It is recommended that Standards 2.9.9.3, 3.3.21.3 and 4.3.20.3 are amended as follows –

*“After reasonable mixing, the entering onto or passing across the bed of a river by the livestock must not result in **the water quality of the river exceeding the a change in concentration of following:***

(a) ~~daily average 2mg/l carbonaceous BOD₅ due to dissolved organic compounds (i.e. those passing a GF/C filter);~~

(b) ~~dissolved reactive phosphorus;~~

(c) ~~dissolved inorganic nitrogen;~~

*(d)(b) **260 Escherichia coli (E. coli)/100ml”.***

275. It is recommended that the S MacKenzie, K Register, Federated Farmers, the S Parkes and the Dairy NZ **submission points⁶¹ are accepted in part** as the writers are of the opinion that the Standards as notified are not fit for purpose, and amendments are appropriate, however removal of the Standards in their entirety would not protect water quality.
276. It is recommended that the Forest and Bird **submission points 715.395 and 715.437 are rejected** as the matter raised is addressed in Standards 3.3.21.2 and 4.3.20.2, including as amended through the Council’s submission, therefore it is not clear what more the submitter is seeking.

Method 15.M.6 – Regional Rules

277. The EDS submission (698.117) seeks that discharges from farm animals to land as a part of a farming operation are identified in and controlled as a Discretionary Activity. The submitter is of the view that the MEP does not clearly control excrement discharge from farm animals as part of a farming operation, and that these discharges runoff land into water and are a significant stressor on water quality. The submitter has determined that this activity is not provided for, therefore it defaults to a Discretionary Activity, however in its view it is more efficient and effective for the MEP to include a specific rule requiring consent for this activity. EDS states that under s15(1)(b) of the RMA it is prohibited to discharge to land when that discharge will enter into water unless that discharge is permitted in the plan or a consent is granted, and under s30(c)(ii) MDC must control land use to maintain or enhance water

⁵⁹ 676.090 and 676.135 (Dairy NZ) and 339.014 (S Parkes)

⁶⁰ 91.243, 91.244 and 91.245

⁶¹ 1124.011 - part, 1124.012 - part and 1124.016 - part (S MacKenzie), 148.003 (K Register), 425.475, 425.564 and 425.668 (Federated Farmers), 339.014 (S Parkes) and 676.090 and 676.135 (Dairy NZ)

quality. EDS is of the view that if the Council does not control farming animal discharges this function will not be achieved.

278. The Council manages the direct “discharge” of effluent from animals to land as an effect of a land use activity and to that end, the Council requires a resource consent for new dairy farming and permits other farming, and therefore by association the discharge directly from animals. The submitters interpretation of the provisions, and conclusion that the discharge of effluent directly from an animal to the land requires a Discretionary Activity resource consent, is incorrect. It is the view of the Council that water quality can be maintained and enhanced through the land use controls imposed both on farming and riverbed access. There may be changes to the MEP in the future once cumulative limits are set, which may impact on the framework around farming activities.

Recommendations

279. It is recommended that the EDS **submission point 698.117 is rejected** as the submitters have misinterpreted the provisions, however aside from that, the writers are comfortable with the provisions at this time and in anticipation of the cumulative limit setting process that is to take place in the future.

Matter 2: Submissions not covered elsewhere.

Submissions on the whole of Chapter 15 (related to water quality)

280. There are three submissions⁶² that support the Chapter as a whole.
281. The Totaranui Limited submission (233.005) does not have any clear decision sought for which an assessment or recommendation can be made. The submitter discusses building and resource consent applicants having to lodge plans that describing their activity, including identifying effects and monitoring. With regards to resource consent applications, which would be covered by the provisions of the MEP, the detail sought by the submitter is likely to be contained with the description of the activity and the assessment of environmental effects in the application.
282. The Federated Farmers submission (425.148) seeks that the objectives and policies in Chapter 15 are redrafted to appropriately recognise the importance of reliable and adequate freshwater supplies to the Marlborough region. And, the submitter seeks that Chapters 5 (Allocation of Public Resources) & 15 (Resource Quality (Water section)) are combined and redrafted to remove inconsistencies and superfluous policies. In neither case has the submitter identified the specific changes that, in its view, are required. The submitter is of the view that the Chapters need to be combined and completely redrafted as both Chapters deal with water and the limit setting process, whether quality or quantity. Further, it states that the Chapters are inconsistent and include contradictory policies. Federated Farmes considers that chapters should be consolidated so that all of the issues, objectives, policies and methods pertaining to water are included in one chapter and, as outlined in an earlier submission point, references to the coastal environment and coastal marine area should be included in the coastal environment chapter. Generally speaking the writers do not share the submitters view and are comfortable with the way in which the MEP addresses water allocation and use, and water quality. Aside from that, as the submitter has not identified the apparent inconsistencies, contradictions, and superfluous policies that are of concern to it, the writers are unable to fully understand the submitters concerns and therefore assess whether it is appropriate to support any changes to address those concerns.

⁶² 869.016 (KCSRA), 401.178 (AQNZ) and 426.186 (MFA)

283. The Federated Farmers submission (425.292) seeks that a new policy is included in the Plan which reads as follows -

"Enable land use activities to enable the community to provide for it's economic, social and cultural wellbeing, while maintaining or improving water quality."

In the submitters view, it seeks that the Plan recognises that water and land must provide for the social and economic wellbeing of the community. "Enable" policies such as this generally are setting the framework for Permitted Activity rules, however it is not clear from the submission what rules the submitter would foresee as falling from this proposed policy. There are many suites of policies and rules in the MEP that enable land use activities, it is not clear which rules the submitters perceive to be missing.

284. The Federated Farmers submission (425.306) seeks that a new policy is included in the Plan to replaces Policies 15.1.33 and 15.1.34 which reads as follows -

"Enable the establishment and operation of any new dairy farm where a farm environment plan is developed with industry."

Federated Farmers opposes the requirement for a land use consent for the establishment and operation of a new dairy farm, and considers it is not clear what is meant by a new dairy farm and whether this includes the extension of an existing dairy farm, such as through the purchase of a neighbouring sheep and beef block for use on an existing dairy unit, or whether it only applies to new dairy sheds being established. The Council recognised this issue in its submission point 91.212, which seeks to amend Standards 3.3.1.1 4.3.1.1 and 8.3.6.1 to clarify that it is not a Permitted Activity to establish a new dairy farm, which includes the expansion of an existing dairy farm where there is an increase in the area or intensity of the farming operation resulting in an additional area of dairy shed. This submission was recommended to be accepted by the s42a report writer (paragraph 383, s42a report for Rural Environments). In the writers view this resolves Federated Farmers concerns in this part of is submission.

285. Federated Farmers is of the view that there is not rapid growth in dairying that drives the need for a consenting regime. There are very few dairy conversions underway, and the total number of dairy farms has in fact decreased from over the past few years. Most farm land in Marlborough is too hilly for dairying, is in vineyards, or lacks suitable quantities of available water for irrigation essential to dairy farming in the Marlborough climate. While the writers acknowledge that there is not currently a trend towards conversion to dairy farming in Marlborough, we do not necessarily agree that the opportunity does not exist for this to occur, for example, contrary to the submitters assertion, there are areas where dairy farming is currently occurring that have the capacity to grant new water permits should additional water be sought. The MEP is a Plan for the future as well as now and, in the writer's view, it would be naive to not put restrictions on an activity that could have adverse effects on water quality because no one is doing it at the moment, this Plan will apply for at least the next 10 years, probably longer.

286. Finally, the submitter is of a view that dairy farming should be a Permitted Activity, with new dairy farms requiring a Farm Environment Plan developed with industry to strive for improvements. The issue of replacing standards in the MEP with the requirement for Farm Management Plans was well traversed in the Rural Environment hearing, and the writers support the assessment and recommendations expressed by the s42a writer for that hearing, who said (paragraph 376) –

".....I note that the MEP explains within Policy 15.1.3 that there will be a progressive implementation of the NPSFM. Further, Method of implementation 15.M.3 states that catchment specific research to establish the capacity of fresh waterbodies to assimilate total

contaminant loads from within each catchment will be undertaken. MDC have also released a 'Staged Programme for Giving Effect to Policy A1 of the NPSFM' which sets out a three-stage program which includes progressively working towards the preparation and notification of plan changes to introduce cumulative limits. As a response to the catchment specific research, the introduction of Farm Management Plan may be an appropriate response. However, decisions on the most efficient and effective approach will need to be considered as part of this process. As such, I do not consider that any amendment to the standards are required at this stage."

287. The Federated Farmers submission (425.309) seeks that a new policy is included in the Plan which reads as follows -

"Marlborough District Council will work to drive engagement and collaboration with landowners, iwi and communities through the planning and management of freshwater, including and in particular in the priority catchment investigations and action plans."

Federated Farmers would like to see Council undertake a collaborative approach to managing freshwater in the region, and consider this is important for the priority catchment investigations and action plans, and during the limit setting process that Council undertakes going forward. The future process for setting cumulative limits, as required by the NPSFM, will be a different and more extensive community process than that around Catchment Management Plans, and it will involve limit setting, the creation of FMUs and the identification of values for each FMU. In the writer's view, the provisions of the MEP adequately address the processes for addressing degraded and at risk catchments in the short-term, and the process to the extent that it needs to be for the setting of cumulative limits in the future.

288. The Fish and Game submission (509.155) seeks the Plan manage freshwater to achieve the water quality standards in Appendix 5, Schedule 2 for all Freshwater Management Units and incorporating the relevant changes to Schedule 2 set out in the submission below. Nothing further is provided to support the relief sought, and the writers are not of a view that an assessment and recommendation can be made on this submission point without making assumptions as to what the submitter is specifically seeking.
289. The Fish and Game submissions (509.156, 509.157 and 509.158) seek that the Plan identify all the waterbodies that do not achieve the water quality standards contained in Appendix 5, Schedule 2 and seek to improve the water quality within these waterbodies to achieve the water quality standards in Schedule 2 by 2030. And, that objectives, policies and rules in the plan that manage land use and discharges in waterbodies identified as not meeting the water quality standards in Appendix 5, Schedule 2 to ensure water quality standards are achieved in all freshwater bodies by 2030. Nothing further is provided to support the relief sought. The degraded and at-risk catchments have been identified in Issue 15B, and provisions have been established to enhance the water quality in those waterbodies. The desire of the submitter to impose a date of 2030 to achieve water quality standards was well traversed in the assessment of its submissions in the first water quality s42a report and the writers have nothing additional to add in relation to this submission.
290. The Fish and Game submission (509.166) seeks a new objective to ensure that the maintenance or enhancement of freshwater quality in each Freshwater Management Unit so that the annual average concentration of dissolved reactive phosphorus must be <0.015mg/l when the river flow is at or below the 20th flow exceedance percentile, and in another submission (509.167) Fish and Game seek to add a new objective to ensure that the maintenance or enhancement of freshwater quality in each Freshwater Management Unit so that the maximum cover of visible river bed by deposited fine sediment concentration is less than 20%. In both cases it seeks the objectives ensure that this is achieved by 2030. The

submitter has provided no information to support the addition of these objectives to the MEP. Without an understanding of why this relief is sought, or how the submitter considers they would be given effect to, the writers are not able to support the submissions at this time.

291. The Fish and Game submission (509.168) seeks the addition a new objective the same as Objective 5.1.10 from the operative RPS, or an objective with wording to similar effect, which reads – “*The integrity of freshwater habitats and natural species diversity are maintained or enhanced*”. The submitter has provided no information to support the addition of this objective to the MEP. In the absence of more specificity as to what the submitters view is missing from the MEP that would be resolved by the addition of this objective, the writers can only minimally assess the relief sought. The writers are of the view that, at the least, MEP Objective 15.1a and Policy 15.1.1 cover much of content or intent of RPS Objective 5.1.10.
292. The Fish and Game submissions (509.199) seeks new policies to address all of the following matters –
- The allocation status of freshwater management units are defined to identify each freshwater management unit as under-allocated, fully-allocated or over-allocated and use the Council’s state of the environment monitoring information to determine those waterbodies that do not currently meet the water quality standards in Appendix 5, Schedule 2 and work toward restoring ecosystem health in those waterbodies by 2030.
 - Farming activities comply with a sustainable nitrogen leaching rate which is based on allocating the total allowable load of nitrogen for the sub catchment, freshwater management zone or catchment to the land on the basis of either a ‘flat’ per hectare allocation of nitrogen leaching or a nitrogen leaching allowance per hectare based on an allocation on a land use capability class basis, or some other methodology which achieves the efficient use of natural resources.
 - Require farms to comply with specified management practices which minimise or reduce the loss of nitrogen, phosphorous, sediment and faecal contamination, including, but not limited to, the requirement to seal effluent ponds and to practice deferred irrigation, good management practices for the application of fertiliser and other nutrient sources, including setbacks from waterbodies, permanent fencing and planting of riparian margins, good management practices for earthworks and cultivation including setbacks from waterbodies to avoid or minimise sediment run off to water.
 - Nutrient budgets are prepared annually by a person who has completed both the “Intermediate” and the “Advanced” courses in “Sustainable Nutrient Management in New Zealand Agriculture” conducted by Massey University, and provided to the regional council. The information shall be provided in an electronic format compatible with regional council information systems and may include but shall not be limited to the following reports from Overseer or their equivalent if an alternative model is used (must be accredited for use by the regional council): Nutrient Budget, Nitrogen, Phosphorus, Summary, Nitrogen Overview.
 - Exclude all livestock from rivers, lakes and wetlands, and to culvert or bridge all regular stock crossings.
 - Include a prohibited activity for new or intensified (a use that increases loss of nitrogen or phosphorus) use of production in sub catchments that are currently over allocated for nitrogen or phosphorus.
 - Provide for trading of nitrogen or phosphorus loss rates between production land uses or properties in the same sub catchment so long as the water quality standards in Appendix

5 Schedule 2 not breached at any point within that sub catchment, or Freshwater management unit.

- Ensure that the rules include both land use and ancillary discharge provisions (section 9 and section 15 RMA).
- Ensure that rules do not breach s70 RMA and apply sound planning principals.
- Ensure that those activities and land uses which are contributing the most to the over allocation bear the majority of the cost of reducing the over allocation (adopt the polluter pays principal).

The submitter has provided no information to support the additional provisions sought, many matters are covered in more specific submissions, the relief sought in some case is too generic to understand what explicit additional policy is sought, and in the context of the MEP provisions, some policies would be inappropriate (e.g. any relating to overallocation of nutrients or trading of nutrient allocations). Subject to further information being provided at the hearing, the relief sought in this submission is not specifically clear enough or justified for the writers to support the submission.

293. The EDS submission (698.093) seeks a new objective relating to limits for phosphorous and sediment, both being significant stressors on water bodies, and the inclusion of policies that provide a dual nutrient approach controlling both nitrogen and phosphorous which is necessary to control periphyton growth. The submitters have not provided the specific limits to include in the Plan and the Council has taken the approach to only include the compulsory value limits under the NPSFM at this time and set limits for other attributes through a progressive implementation plan. Without further information from the submitter as to what limits should be included in the Plan, the writers support the Council's approach.
294. The Fertiliser Association submission (1192.016) is very similar to its submission (1192.015) on Objective 15.1b, please read paragraphs 134 and 135 of the first s42a report for this water quality hearing topic for the writer's assessment of the submission, which would also apply to this submission. It is noted that the submitter has misunderstood the FMU maps that apply to Objectives 15.1b, c and d, it is FMU Map 5, not FMU Maps 1 to 5.
295. The Pinder Family Trust submission (578.034), the Guardians of the Sounds submission (752.034) and the Sea Shepherd NZ submission (1146.034) seek the addition of methods on how nitrogen levels will be monitored and managed in coastal waters, including the effects of forestry and salmon farming. The submitters are of the view that the MEP discusses at length monitoring of freshwater for nitrates, ammonia and E coli. However, there is no proposal on how nitrogen levels are going to be monitored and managed in coastal waters. This includes the effects of forestry and salmon farming, both of which release significant amounts of nitrogen into coastal waters. These two sources of pollution are much more significant than the impact from the dairy industry which is small in a largely grape growing district. There needs to be at least the same amount of protection for the Sounds from these industries as there is advocated for dairying. While not specifying nitrogen specifically, the writers are of the view that there are provisions in the MEP that address the concerns raised, such as Policy 15.1.29, which is about controlling land use activities and specifically relates this to effects of sediment on coastal water, and Method 15.M.22 which is about research into effects of land use activity. The effects of salmon farming on coastal water quality are outside the scope of this hearing topic. The writers are not persuaded that specific methods as sought in relation to the effects of land use activities on coastal water quality are necessary.

296. Several submissions⁶³ seek provisions to avoid sewage and effluent discharges where they can contaminate coastal waters and particularly marine farms and associated relief, or concerns along these lines. The submitters are of a view that clean water and healthy ecosystems are important in order to continue to produce safe, quality seafood with environmental integrity, and that terrestrial and coastal activities can negatively impact water quality and have the potential to decrease opportunities to harvest, increase monitoring and testing costs and ultimately have an adverse impact on the industry's international reputation and market advantage. The submitters specifically seek provisions which preserve and enhance coastal water quality.
297. While the management of the effects of activities on coastal waters is dealt with across the provisions, Policies 15.1.19. and 15.1.20 specifically relate to the discharge of human sewage to coastal waters in the Marlborough Sounds, and from ships in the Marlborough Sounds. These provisions were considered in the Coastal hearing topic, and it is noted that clarification of Policy 15.1.19 was sought and recommended to make it clear it was referring to the discharge from land-based activities. Policy 15.1.23 also seeks to avoid the discharge of dairy effluent to water. There are Prohibited Activity rules that implement these policies. It is not clear to the writers why the submitters are not of a view that these provisions address their concerns, they may be able to provide further information at the hearing. At this time the writers are not of a view that additional provisions are required to address the submitters concerns.
298. Several submissions⁶⁴ also sought the addition of a marine farm protection overlay within 1000m of the boundary of any marine farm. The reasons are the same as given for the relief sought in the paragraphs above regarding the addition of new provisions to avoid sewage and effluent discharges. The idea of this overlay has been traversed in other s42 reports, in particular the "Use of the Coastal Environment" report (paragraphs 1326-1329), and the writers support the overall recommendations of the authors of those reports that do not support the addition of this new overlay.
299. The NZ Forest Products submission (995.020) seeks the following –
- (a) The objectives and policies, particularly (but not limited to) Policy 15.1.31 should be amended to recognise that some disturbances to river beds are short term with less than minor or negligible adverse effects in the medium or long term;
 - (b) The objectives and policies be amended so that any controls imposed on commercial forestry activities to address potential land disturbance are consistent with the New Zealand Code of Practice for Plantation Forestry;
 - (c) The objectives and policies, particularly (but not limited to) Policies 15.4.3 and 15.4.4 be amended to recognise that land disturbance is a necessary component of many primary production activities, particularly commercial forestry and the construction of access tracks and that these activities should be enabled subject to ensuring that they are undertaken in accordance with good practice;
 - (d) The objectives and policies, particularly (but not limited to) Policy 15.4.4(e) should recognise that the effects of eroded soil reaching any fresh water body or coastal water should only be considered if the effect of that soil is likely to have an adverse effect that will exist beyond the short term; and

⁶³ 574.017 (B Skeggs), 514.023 (A J King Family Trust and S A King Family Trust), 726.021 (Canantor Mussels Limited and N Buchanan-Brown), 809.017 (J Jessop), 936.013 (M Jessop), 926.024 (Wainui Green 2015 Limited), 1157.015 (Southern Crown Limited), 964.017 (Marlborough Oysters Limited), 610.012 (Burkhart Fisheries Limited and Lanfar Holdings (4)) and 906.015 (Legacy Fishing Limited)

⁶⁴ 574.018 (B Skeggs), 514.024 (A J King Family Trust and S A King Family Trust), 726.022 (Canantor Mussels Limited and N Buchanan-Brown), 809.018 (J Jessop), 936.014 (M Jessop), 926.025 (Wainui Green 2015 Limited), 1157.016 (Southern Crown Limited) and 964.018 (Marlborough Oysters Limited)

(e) Add new rules, or modify existing rules to give effect to the objective and policy modifications sought.

300. The submitter is of the view that the importance of resource quality to the wider Marlborough region needs to be recognised, and that certain activities have the potential to adversely affect resources in the region. While activities such as commercial forestry can cause land degradation, particularly during harvesting and the cutting and/or maintenance of access tracks, these effects can be appropriately managed. In addition, any adverse effects as a result of these activities generally have a short-term duration and are temporary in terms of effect. This also applies to any disturbance of a river, where that disturbance occurs in relation to commercial forestry or any associated activities. Matters (c) and (d) are outside the scope of this hearing and pertain to the soil quality topic. Matters (a), (b) and (e) have been well covered in the assessment of submissions on specific water quality provisions in the s42a reports. It is likely the submitters concerns have largely been addressed by the promulgation of the NESPF.

301. The NZ Forest Products submissions (995.020) seeks the following new method –

New method – “*Industry Initiatives – In developing plans and strategies for the management of resources, and when making decisions on resource consents, Marlborough District Council will recognise and promote any relevant industry guidelines and codes of practice that represent appropriate industry practice and management approaches.*”

302. The submitters are of the view that the addition of this new method will require the Council to take codes of practice or other guidelines into account when developing plans and strategies and making decisions on resource consents. The writers are of the view that the existing Method 15.M.4 regarding codes of practice and industry guidelines is sufficient. The recognition of these tools as a method to reduce the effects of discharges on water quality makes it clear they are seen as having value, so they would be considered in planning processes. The writers are hesitant to support a method stating that the Council will “*promote*” any relevant industry guidelines and codes of practice as they do not think this is an appropriate position for the Council to take. Promotion of the use of these tools generally perhaps, but specific promotion of individual instruments is the place of the relevant industry body.

303. The Te Ātiawa submission (1186.022) seeks that cultural indicators are incorporated into the water allocation regime. The submitter is of the view that cultural indicators have been developed around the country for freshwater quality and these take into account the values that are important to iwi, specifically cultural and spiritual issues. And, the application of these indicators ensures that those matters of significance to iwi are protected. Whilst the MEP considers cultural values and discusses cultural indicators, in the submitters view it takes no steps to provide for or incorporate any cultural indicator to be applied with any resource and the indicators used in the MEP are purely scientific. Te Ātiawa have lodged similar submissions (1186.223 and 1186.093) on Schedule 2 of Appendix 5, and seeking amendments to the AERs. However, none of the submissions contain information to assist in writers in understanding what the cultural indicators or monitoring criteria would contain, we would welcome specific details at the hearing of cultural water quality indicators and AERs for potential inclusion in the MEP.

304. The MFA submission (426.182) is exactly the same as the AQNZ submission (401.174) on Objective 15.1e, see paragraphs 191 of the first s42a report for this water quality hearing topic for the writer’s assessment of the submission, which would also apply to the MFA submission.

305. The Irrigation NZ submission (778.087) is very similar to a group of submissions that seek an addition to Method 15.M.18, and the writer's response is the same. See paragraphs 811 and 815 of the first s42a report for this water quality hearing topic for the writer's assessment of the similar submissions, which would also apply to the Irrigation NZ submission.
306. The Ngāi Tahu submission (1189.112) seeks the addition of a new policy requiring the Council to undertake a plan change to introduce a nutrient management framework into the MEP, in the event that land use changes occur or are foreseen to occur which are not anticipated or appropriately regulated by the operative plan. The submitter is of the view that, over the lifetime of the Plan the aspirations or practices of land owners could shift. Those aspirations or practices may be a result of market forces and changes which require diversification or a change of land use, and these changes could create unanticipated effects on the environment, particularly nutrient discharge. So, to achieve objectives 15.1a – 15.1e a new policy is sought to future proof the plan, and enable the Council to consider whether greater control is required to manage these effects. Generally, the writers do not see the need to have an explicit policy to address these concerns as it is logical that if the Council identified an issue that required a plan change to respond, it would go down this path. This was the case reasonably recently when plan changes were made to the operative plans to add provisions that required new dairy farms to get a resource consent to operate. Specifically, the future process of setting cumulative limits during the life of the MEP is anticipated to lead to regular plan changes, and therefore opportunities, to amend the provisions to respond to effects on water quality.
307. The Ngāti Rāua submission (1188.006) has been entered against Chapter 15, however it is not particular to water quality, except perhaps a reference to sedimentation. It is not possible to assess this point further or make any recommendation, particularly as it is not clear that it should have even been entered in relation to this hearing topic.

Recommendations

308. It is recommended that the Federated Farmers **submission point 425.148 is rejected** as, based on the information provided in the submissions, the writers do not share the submitters view and are comfortable with the way in which the MEP addresses water allocation and use, and water quality. Further, the submitter has not identified the apparent inconsistencies, contradictions, and superfluous policies that are of concern, so no additional assessment is possible.
309. It is recommended that the Federated Farmers **submission point 425.292 is rejected** as there is insufficient information in the submission to understand what concerns the submitter is specifically seeking to resolve, or what provisions it anticipates would implement the proposed policy.
310. It is recommended that the Federated Farmers **submission point 425.306 is rejected** as the clarity sought regarding what constitutes a new dairy farm in the MEP is resolved in other submissions in the Rural Environment s42a report, it is inappropriate not future-proof the regions protections for water quality in the MEP, and the introduction of Farm Management Plans as a substitute for the notified management tools is not appropriate at this time due to the staged implementation of the NPSFM with regards to water quality limit setting.
311. It is recommended that the Federated Farmers **submission point 425.309 is rejected** as the writers are of the view that the notified policies and methods are appropriate for the intended community processes in the shorter term, and appropriate to the extent they need to be at this time for the future limit settling process.
312. It is recommended that the Fish and Game **submission points 509.156, 509.157 and 509.158 are rejected** as provisions are established with regards to degraded and at-risk

catchments, and the imposition of a target date as requested is inappropriate and, in some instances, less supportive of achieving water quality objectives.

313. It is recommended that the Fish and Game **submission points 509.166 and 509.167 are rejected** as, without an understanding of why this relief is sought, or how the submitter considers they would be given effect to, the writers are not able to support the submissions at this time.
314. It is recommended that the Fish and Game **submission points 509.168 is rejected** as, without a better understanding of why this relief is sought, the writers are not able to establish how, in the submitters view, the matters raised are not already addressed in the notified Plan.
315. It is recommended that the Fish and Game **submission point 509.199 is rejected** as, subject to further information being provided at the hearing, the relief sought in this submission is not specifically clear enough or justified for the writers to support the submission.
316. It is recommended that the EDS **submission point 698.093 is rejected** as, without further information from the submitter as to what limits should be included in the Plan, the writers support the Council's approach.
317. It is recommended that the Fertiliser Association **submission point 1192.016 is rejected** as the addition of the new objective is not accepted based on the supporting information supplied in the submission.
318. It is recommended that the Pinder Family Trust **submission point 578.034**, Guardians of the Sounds **submission point 752.034** and Sea Shepherd NZ **submission point 1146.034 are rejected** as the addition of the specific methods as sought in relation to the effects of land use activities on coastal water quality are necessary.
319. It is recommended that the B Skeggs **submission point 574.017**, A J King Family Trust and S A King Family Trust **submission point 514.023**, Canantor Mussels Limited and N Buchanan-Brown **submission point 726.021**, J Jessop **submission point 809.017**, M Jessop **submission point 936.013**, Wainui Green 2015 Limited **submission point 926.024**, Southern Crown Limited **submission point 1157.015**, Marlborough Oysters Limited **submission point 964.017**, Burkhart Fisheries Limited and Lanfar Holdings (4) **submission point 610.012** and Legacy Fishing Limited **submission point 906.015 are rejected** as, subject to further information being provided at the hearing, the writers consider the submitters concerns to be already addressed in the notified provisions and therefore no additional provisions are necessary.
320. It is recommended that the B Skeggs **submission point 574.018**, A J King Family Trust and S A King Family Trust **submission point 514.024**, Canantor Mussels Limited and N Buchanan-Brown **submission point 726.022**, J Jessop **submission point 809.018**, M Jessop **submission point 936.014**, Wainui Green 2015 Limited **submission point 926.025**, Southern Crown Limited **submission point 1157.016** and Marlborough Oysters Limited **submission point 964.018 are rejected** as, the idea of this overlay has been traversed in other s42 reports, and the writers support the overall recommendations of the authors of those reports that do not support the addition of this new overlay.
321. It is recommended that the NZ Forest Products **submission point 995.020 is rejected** as what matters of concern are not outside of the scope of the water quality hearing topic, are likely addressed by the promulgation of the NESPF. Some matters have already been covered in the specific provision assessments for this topic.

322. It is recommended that the Oil Companies **submission point 1004.024 is rejected** as the existing Method 15.M.4 is sufficient and the writers are of a view that aspects of the proposed method are not appropriate for the Council to be responsible for.
323. It is recommended that the Te Ātiawa **submission points 1186.022 and 1186.093 are rejected** at this time as the submission contains no specific information as what cultural indicators or monitoring criteria such as this would contain.
324. It is recommended that the MFA **submission point 426.182 is rejected** as there is insufficient information in the submission to justify the imposition of the new policies, and it is not clear how they would be implemented. The overlay has been traversed in other s42 reports and the writers support the recommendations of the authors of those reports.
325. It is recommended that the Irrigation NZ **submission point 778.087 is accepted in part** as the addition sought is not inappropriate, subject to amendments of the writers (see paragraph 815 of the first s42a report for this water quality hearing topic).
326. The Ngāi Tahu **submission point 1189.112 is rejected** an explicit policy to address these concerns is not necessary, especially with the opportunities created through the future process of setting cumulative limits during the life of the MEP.

Submissions on Rule 2.10.1

327. Discretionary Activity Rule 2.10.1 reads as follows –

“Any activity provided for as a Permitted Activity that does not meet the applicable standards”.

328. The K Loe submission (454.065), the S MacKenzie submission (1124.013) and the Flaxbourne Settlers Association submission (712.014) all seek the retention of this Rule subject to amendments sought on stock access related provisions being accepted. The submitter’s explanations are not particularly related this Rule and do not really make sense in the context of this Rule.

Recommendations

329. It is recommended that the K Loe **submission point 454.065**, the S MacKenzie **submission point 1124.013** and the Flaxbourne Settlers Association **submission point 712.014 are rejected** as the submitters only supported the retention of this Rule on the basis that their submissions on the definition of *“intensively farmed livestock”* are accepted, and that has not been recommended.

Other Submissions not covered elsewhere

330. The Ravensdown Limited submission (1090.124) and the Fertiliser Association submission (1192.096) seek that a definition for **“Good Management Practices”** is added to the MEP, and that it reads as follows –

“Practices, procedures or use of tools which are effective at achieving the desired performance while providing for environmental responsibility. Good management practice evolves through time and results in continuous improvement as new information, technology and awareness of particular issues are developed and disseminated. Support is given to identify these as: Industry Agreed Good Management Practices being the practices described in the document entitled Industry-agreed Good Management Practices relating to water quality - dated September”.

The submitters consider it is important to include a definition of Good Management Practice in the MEP, and recommend the industry accepted definition of Good Management Practice be used. This is not a tool that the writers are particularly familiar with and do not have the expertise to know whether this is an accurate meaning for “Good Management Practices”, however it is noted that submission point 1090.124 is opposed by a further submission from Federated Farmers. If this definition, or a form of it, is to be included in the MEP, in the writers view it would be contingent on the use of the phrase in the provisions. It is not currently used, however the submitters have sought it to be relative to Methods in Chapter 15. As the writers did not support the other relevant submissions, by association support is not held for the addition of this definition.

331. The Environment Centre submission (1193.031) seeks a two new Methods are added to the MEP that it read as follows –

“Replanting Management Plan - A mandatory plan that identifies areas at high risk of erosion and require retirement and implementation of buffers, such as gully heads and steep ephemeral gullies”; and

“Incentives - Greater recognition and encouragement of planting permanent forest (not for harvest) or allowing native regeneration. Assistance could include rates rebate and funding for control of wilding pines.”

332. The submission does not identify an issue, objective, policy or provision to which it pertains to and has been loaded against Issue 15C. The submitters are of a view that these Methods are to improve soil conservation and water quality, and thereby help to maintain and restore indigenous biodiversity within the Sounds. There are also substantial benefits for the visual landscape, recreational enjoyment and tourism. In the writers view these Methods go beyond this hearing topic and do not contain enough information as to how they would be applied, for example, when would the mandatory replanting management plan be required?

Recommendations

333. It is recommended that the Ravensdown Limited **submission point 1090.124** and Fertiliser Association **submission point 1192.096 are rejected** as the inclusion of this definition is linked to other submissions from this submitter, which the writers have not recommended are accepted.
334. It is recommended that the Environment Centre **submission point 1193.031 is rejected** as these Methods go beyond this hearing topic and do not contain enough information as to how they would be applied.

Appendix 1: Recommended decisions on decisions requested

There are submission points that do not seek a specific decision, and for which one cannot be inferred. Due to their nature no recommendation can be made therefore they are labelled "not applicable" in the recommendation column of the table.

Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
869.016	KCSRA	1	15	Chapter 15	Accept in part
401.178	AQNZ	1	15	Chapter 15	Accept in part
426.186	MFA	1	15	Chapter 15	Accept in part
426.182	MFA	1	15	Chapter 15	Reject
425.148	Federated Farmers	1	15	Chapter 15	Reject
425.292	Federated Farmers	1	15	Chapter 15	Reject
425.306	Federated Farmers	1	15	Chapter 15	Reject
425.309	Federated Farmers	1	15	Chapter 15	Reject
509.156	Fish and Game	1	15	Chapter 15	Reject
509.157	Fish and Game	1	15	Chapter 15	Reject
509.158	Fish and Game	1	15	Chapter 15	Reject
509.166	Fish and Game	1	15	Chapter 15	Reject
509.167	Fish and Game	1	15	Chapter 15	Reject
509.168	Fish and Game	1	15	Chapter 15	Reject
509.199	Fish and Game	1	15	Chapter 15	Reject
1192.016	NZ Fertiliser Association	1	15	Chapter 15	Reject
514.023	AJ King & SA King Family Trusts	1	15	Chapter 15	Reject
514.024	AJ King & SA King Family Trusts	1	15	Chapter 15	Reject
574.017	B Skeggs	1	15	Chapter 15	Reject
574.018	B Skeggs	1	15	Chapter 15	Reject
726.021	Canantor Mussels Limited and N I Buchanan-Brown	1	15	Chapter 15	Reject
726.022	Canantor Mussels Limited and N I Buchanan-Brown	1	15	Chapter 15	Reject
809.017	J Jessop	1	15	Chapter 15	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
809.018	J Jessop	1	15	Chapter 15	Reject
936.013	M Jessop	1	15	Chapter 15	Reject
936.014	M Jessop	1	15	Chapter 15	Reject
926.024	Wainui Green 2015 Limited	1	15	Chapter 15	Reject
926.025	Wainui Green 2015 Limited	1	15	Chapter 15	Reject
1157.015	Southern Crown Limited	1	15	Chapter 15	Reject
1157.016	Southern Crown Limited	1	15	Chapter 15	Reject
964.017	Marlborough Oysters Limited	1	15	Chapter 15	Reject
964.018	Marlborough Oysters Limited	1	15	Chapter 15	Reject
610.012	Burkhart Fisheries Limited and Lanfar Holdings (4) Limited	1	15	Chapter 15	Reject
906.015	Legacy Fishing Limited	1	15	Chapter 15	Reject
698.093	EDS	1	15	Chapter 15	Reject
995.020	NZ Forest Products	1	15	Chapter 15	Reject
1004.024	Oil Companies	1	15	Chapter 15	Reject
1186.022	Te Ātiawa	1	15	Chapter 15	Reject
1186.093	Te Ātiawa	1	15	Chapter 15	Reject
1189.112	Ngāi Tahu	1	15	Chapter 15	Reject
578.034	Pinder Family Trust	1	15	Chapter 15	Reject
752.034	Guardians of the Sounds	1	15	Chapter 15	Reject
1146.034	Sea Shepherd NZ	1	15	Chapter 15	Reject
778.087	Irrigation NZ	1	15	Chapter 15	Accept in part
1193.031	Environment Centre	1	15	Issue 15C	Reject
364.165	I Mitchell	1	15	15.1.23	Accept
397.002	H Collins	1	15	15.1.23	Accept
479.139	DOC	1	15	15.1.23	Accept
496.061	Forest and Bird	1	15	15.1.23	Accept
1201.103	Trustpower Limited	1	15	15.1.23	Accept
501.077	Ngāti Kuia	1	15	15.1.23	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
425.298	Federated Farmers	1	15	15.1.23	Reject
1251.046	Fonterra	1	15	15.1.23	Reject
991.002	NZ Deer Farmers	1	15	15.1.23	Reject
454.043	K Loe	1	15	15.1.23	Reject
712.012	Flaxbourne Settlers Association	1	15	15.1.23	Reject
505.016	Ernslaw One Limited	1	15	15.1.23	Reject
505.054	Ernslaw One Limited	1	15	15.1.23	Reject
509.190	Fish and Game	1	15	15.1.23	Reject
698.103	EDS	1	15	15.1.23	Reject
676.077	Dairy NZ	1	15	15.1.23	Reject
548.085	AWUG	1	15	15.1.23	Accept
472.016	ME Taylor Limited	1	15	15.1.23	Accept
640.010	D and C Robbins	1	15	15.M.6	Reject
698.117	EDS	1	15	15.M.6	Reject
738.013	G Robb	1	15	15.M.6	Reject
935.010	M Robb	1	15	15.M.6	Reject
425.353	Federated Farmers	2	All	All Standards re Munsell scale	Accept
990.026	Nelson Forests Limited	2	All	All Standards re Munsell scale	Accept
455.037	J Hickman	2	2	2.7.9	Accept
456.037	G Mehlhopt	2	2	2.7.9	Accept
479.174	DOC	2	2	2.7.9	Accept
121.001	H Thomson	2	2	2.7.9	Reject
1124.012	S MacKenzie	2	2	2.7.9	Accept in part
712.013	Flaxbourne Settlers Association	2	2	2.7.9	Reject
712.014	Flaxbourne Settlers Association	2	2	2.7.9 (lodged against 2.10.1)	Reject
712.018	Flaxbourne Settlers Association	2	2	2.7.9 (lodged against 3.6.1)	Reject
505.019	Ernslaw One Limited	2	2	2.7.9	Reject
454.059	K Loe	2	2	2.7.9	Reject
1251.061	Fonterra	2	2	2.7.9	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
962.132	MFIA	2	2	2.7.9	Reject
425.472	Federated Farmers	2	2	2.7.9	Reject
509.275	Fish and Game	2	2	2.7.9	Reject
548.133	AWUG	2	2	2.9.9	Accept
479.175	DOC	2	2	2.9.9	Accept
962.133	MFIA	2	2	2.9.9	Reject
509.201	Fish and Game	2	2	2.9.9	Reject
509.202	Fish and Game	2	2	2.9.9	Reject
509.276	Fish and Game	2	2	2.9.9	Reject
26.001	A Carter and K McGinty	2	2	2.9.9	Reject
93.005	S and S White	2	2	2.9.9	Reject
298.001	P Bown	2	2	2.9.9	Reject
320.001	G Leov	2	2	2.9.9	Reject
326.001	S and S Leov	2	2	2.9.9	Reject
459.013	Beef and Lamb NZ	2	2	2.9.9	Reject
459.033	Beef and Lamb NZ	2	2	2.9.9	Reject
505.021	Ernslaw One Limited	2	2	2.9.9.1	Reject
505.022	Ernslaw One Limited	2	2	2.9.9.1	Reject
715.375	Forest and Bird	2	2	2.9.9.1	Accept
93.004	S and S White	2	2	2.9.9.1	Reject
1251.062	Fonterra	2	2	2.9.9.1	Reject
425.473	Federated Farmers	2	2	2.9.9.1	Reject
640.021	D and C Robbins	2	2	2.9.9.1	Reject
935.021	M Robb	2	2	2.9.9.1	Reject
738.024	G Robb	2	2	2.9.9.1	Reject
1258.002	G Barnett	2	2	2.9.9.1	Reject
454.060	K Loe	2	2	2.9.9.1	Accept
715.376	Forest and Bird	2	2	2.9.9.2	Reject
93.014	S and S White	2	2	2.9.9.2	Accept in part

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
148.002	K Register	2	2	2.9.9.2	Accept in part
425.474	Federated Farmers	2	2	2.9.9.2	Accept
640.024	D and C Robbins	2	2	2.9.9.2	Accept
935.024	M Robb	2	2	2.9.9.2	Accept
738.025	G Robb	2	2	2.9.9.2	Accept
454.061	K Loe	2	2	2.9.9.2	Accept in part
359.035	WilkesRM Limited	2	2	2.9.9.2	Accept
148.003	K Register	2	2	2.9.9.3	Accept in part
425.475	Federated Farmers	2	2	2.9.9.3	Accept in part
91.245	MDC	2	2	2.9.9.3	Accept
454.062	K Loe	2	2	2.9.9.3	Accept in part
454.065	K Loe	2	2	2.10.1	Reject
1124.013	S MacKenzie	2	2	2.10.1	Reject
1193.095	Environment Centre	2	2	2.11.4	Accept
509.289	Fish and Game	2	2	2.11.4	Accept
698.115	EDS	2	2	2.11.4	Reject
496.076	Forest and Bird	2	2	2.11.4	Reject
479.177	DOC	2	2	2.11.4	Reject
479.179	DOC	2	2	2.11.4	Reject
459.004	Beef and Lamb NZ	2	2	2.11.4	Reject
459.037	Beef and Lamb NZ	2	2	2.11.4	Reject
1124.014	S MacKenzie	2	2	2.11.4	Reject
1251.063	Fonterra	2	2	2.11.4	Reject
425.477	Federated Farmers	2	2	2.11.4	Reject
640.022	D and C Robbins	2	2	2.11.4	Reject
935.022	M Robb	2	2	2.11.4	Reject
738.026	G Robb	2	2	2.11.4	Reject
147.001	K Register	2	2	2.11.4	Reject
1258.003	G Barnett	2	2	2.11.4	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
326.004	S and S Leov	2	2	2.11.4	Reject
454.067	K Loe	2	2	2.11.4	Reject
712.015	Flaxbourne Settlers Association	2	2	2.11.4	Reject
88.006	C Bowron	2	2	2.11.4	Reject
509.290	Fish and Game	2	2	2.11.5	Accept
147.002	K Register	2	2	2.11.5	Reject
991.006	NZ Deer Farmers	2	2	2.11.5	Reject
1251.064	Fonterra	2	2	2.11.5	Reject
425.478	Federated Farmers	2	2	2.11.5	Reject
640.023	D and C Robbins	2	2	2.11.5	Reject
935.023	M Robb	2	2	2.11.5	Reject
738.027	G Robb	2	2	2.11.5	Reject
1124.015	S MacKenzie	2	2	2.11.5	Reject
698.116	EDS	2	2	2.11.5	Reject
496.077	Forest and Bird	2	2	2.11.5	Reject
479.178	DOC	2	2	2.11.5	Reject
454.068	K Loe	2	2	2.11.5	Reject
1258.004	G Barnett	2	2	2.11.5	Reject
326.005	S and S Leov	2	2	2.11.5	Reject
712.016	Flaxbourne Settlers Association	2	2	2.11.5	Reject
88.016	C Bowron	2	2	2.11.5	Reject
132.001	S Tripe	2	2	2.11.5	Reject
459.040	Beef and Lamb NZ	2	2	2.11.5	Reject
359.034	WilkesRM Limited	2	2	2.14.5.7	Accept
1251.074	Fonterra	2	2	2.20.1	Accept
496.079	Forest and Bird	2	2	2.20.1	Accept
1189.117	Ngāi Tahu	2	2	2.20.1	Accept
640.027	D and C Robbins	2	2	2.20.1	Reject
935.027	M Robb	2	2	2.20.1	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
738.030	G Robb	2	2	2.20.1	Reject
425.489	Federated Farmers	2	2	2.20.1	Reject
455.038	J Hickman	2	3	3.1.21	Accept
455.048	J Hickman	2	3	3.1.21	Accept
456.038	G Mehlhopt	2	3	3.1.21	Accept
456.048	G Mehlhopt	2	3	3.1.21	Accept
479.207	DOC	2	3	3.1.21	Accept
118.001	H Thomson	2	3	3.1.21	Accept
418.015	J Craighead	2	3	3.1.21	Accept
419.010	Flyfish Marlborough	2	3	3.1.21	Accept
420.006	Windsong Orchard	2	3	3.1.21	Accept
421.006	J Steggle	2	3	3.1.21	Accept
422.006	J Richardson	2	3	3.1.21	Accept
509.310	Fish and Game	2	3	3.1.21	Accept
1035.007	P Wilhelmus and Ormond Aquaculture Limited	2	3	3.1.21	Accept
1124.011	S MacKenzie	2	3	3.1.21 (lodged against 15.1.23)	Accept in part
1124.016	S MacKenzie	2	3	3.1.21	Accept in part
1193.064	Environment Centre	2	3	3.1.21	Reject
712.017	Flaxbourne Settlers Association	2	3	3.1.21	Reject
1045.001	Pukematai Farm Limited	2	3	3.1.21	Reject
485.001	D and K Register	2	3	3.1.21	Reject
454.102	K Loe	2	3	3.1.21	Reject
462.039	BRIL	2	3	3.1.21	Reject
970.022	Middlehurst Station Limited	2	3	3.1.21	Reject
1237.003	Willowgrove Dairies Limited	2	3	3.1.21	Reject
1251.065	Fonterra	2	3	3.1.21	Reject
425.561	Federated Farmers	2	3	3.1.21	Reject
179.004	Tui Nature Reserve	2	3	3.3.21	Accept

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
378.006	R and L Hill	2	3	3.3.21	Accept
524.005	A Doole	2	3	3.3.21	Accept
529.005	A Parr	2	3	3.3.21	Accept
532.005	A Millen	2	3	3.3.21	Accept
599.005	C Soderberg Jr	2	3	3.3.21	Accept
598.005	C McLean	2	3	3.3.21	Accept
594.005	C McBride	2	3	3.3.21	Accept
662.005	D McBride	2	3	3.3.21	Accept
701.005	F Chaytor	2	3	3.3.21	Accept
715.393	Forest and Bird	2	3	3.3.21	Accept
833.005	J Tillman	2	3	3.3.21	Accept
827.005	J Rossell	2	3	3.3.21	Accept
861.005	K Raeburn	2	3	3.3.21	Accept
865.005	K Walshe	2	3	3.3.21	Accept
915.005	M Dewar	2	3	3.3.21	Accept
972.005	Millen Associates Limited	2	3	3.3.21	Accept
1049.005	Silverwood Partnership	2	3	3.3.21	Accept
1109.005	S Browning	2	3	3.3.21	Accept
1230.005	W Tillman	2	3	3.3.21	Accept
1230.005	V Frei	2	3	3.3.21	Accept
1228.005	W Oliver	2	3	3.3.21	Accept
479.208	DOC	2	3	3.3.21	Accept
454.119	K Loe	2	3	3.3.21 (lodged against Rule 3.6.1)	Reject
1179.019	T Stein	2	3	3.3.21	Reject
1121.006	S and T Wadworth	2	3	3.3.21	Reject
935.039	M Robb	2	3	3.3.21	Reject
738.040	G Robb	2	3	3.3.21	Reject
640.039	D and C Robbins	2	3	3.3.21	Reject
1251.066	Fonterra	2	3	3.3.21	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
320.002	G Leov	2	3	3.3.21	Reject
326.002	S and S Leov	2	3	3.3.21	Reject
746.003	G Webb	2	3	3.3.21	Reject
351.018	H Ballinger	2	3	3.3.21	Reject
285.001	J Rudd	2	3	3.3.21	Reject
688.069	J and J Hellstrom	2	3	3.3.21	Reject
1016.002	P Hunnisett	2	3	3.3.21	Reject
1066.005	R Heta	2	3	3.3.21	Reject
459.014	Beef and Lamb NZ	2	3	3.3.21	Reject
459.034	Beef and Lamb NZ	2	3	3.3.21	Reject
715.394	Forest and Bird	2	3	3.3.21.1	Reject
425.562	Federated Farmers	2	3	3.3.21.1	Reject
904.001	Land Vision Limited	2	3	3.3.21.1	Reject
429.006	Tempello Partnership	2	3	3.3.21.1	Reject
1258.009	G Barnett	2	3	3.3.21.1	Reject
1035.008	P Wilhelmus and Ormond Aquaculture Limited	2	3	3.3.21.1	Accept
970.023	Middlehurst Station Limited	2	3	3.3.21.1	Reject
1237.004	Willowgrove Dairies Limited	2	3	3.3.21.1	Reject
462.040	BRIL	2	3	3.3.21.1	Reject
88.008	C Bowron	2	3	3.3.21.1	Reject
676.088	Dairy NZ	2	3	3.3.21.1	Reject
454.103	K Loe	2	3	3.3.21.1	Accept
425.563	Federated Farmers	2	3	3.3.21.2	Accept
429.007	Tempello Partnership	2	3	3.3.21.2	Reject
307.010	T James	2	3	3.3.21.2	Reject
1193.091	Environment Centre	2	3	3.3.21.2	Reject
676.089	Dairy NZ	2	3	3.3.21.2	Accept
454.104	K Loe	2	3	3.3.21.2	Accept in part

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
423.020	C Shaw	2	3	3.3.21.2	Reject
359.025	WilkesRM Limited	2	3	3.3.21.2	Accept
425.564	Federated Farmers	2	3	3.3.21.3	Accept in part
715.395	Forest and Bird	2	3	3.3.21.3	Reject
91.244	MDC	2	3	3.3.21.3	Accept
676.090	Dairy NZ	2	3	3.3.21.3	Accept in part
1193.092	Environment Centre	2	3	3.3.21.3	Reject
429.008	Tempello Partnership	2	3	3.3.21.3	Reject
423.019	C Shaw	2	3	3.3.21.3	Reject
454.105	K Loe	2	3	3.3.21.3	Accept in part
1140.033	Sanford Limited	2	3	3.3.21.3	Accept in part
509.289	Fish and Game	2	3	3.7.4	Accept
479.214	DOC	2	3	3.7.4	Reject
676.124	Dairy NZ	2	3	3.7.4	Reject
459.005	Beef and Lamb NZ	2	3	3.7.4	Reject
459.038	Beef and Lamb NZ	2	3	3.7.4	Reject
1124.018	S MacKenzie	2	3	3.7.4	Reject
1251.067	Fonterra	2	3	3.7.4	Reject
425.619	Federated Farmers	2	3	3.7.4	Reject
640.045	D and C Robbins	2	3	3.7.4	Reject
935.045	M Robb	2	3	3.7.4	Reject
738.045	G Robb	2	3	3.7.4	Reject
147.003	K Register	2	3	3.7.4	Reject
1258.007	G Barnett	2	3	3.7.4	Reject
454.121	K Loe	2	3	3.7.4	Reject
712.019	Flaxbourne Settlers Association	2	3	3.7.4	Reject
88.011	C Bowron	2	3	3.7.4	Reject
141.012	Hall Family Farms	2	3	3.7.4	Reject
294.002	Landcorp	2	3	3.7.4	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
119.001	H Thomson	2	3	3.7.4	Reject
515.020	Mt Zion	2	3	3.7.4	Reject
509.327	Fish and Game	2	3	3.7.5	Accept
991.007	NZ Deer Farmers	2	3	3.7.5	Reject
479.215	DOC	2	3	3.7.5	Reject
676.125	Dairy NZ	2	3	3.7.5	Reject
1124.019	S MacKenzie	2	3	3.7.5	Reject
1251.068	Fonterra	2	3	3.7.5	Reject
425.620	Federated Farmers	2	3	3.7.5	Reject
147.004	K Register	2	3	3.7.5	Reject
1258.008	G Barnett	2	3	3.7.5	Reject
454.122	K Loe	2	3	3.7.5	Reject
712.020	Flaxbourne Settlers Association	2	3	3.7.5	Reject
88.018	C Bowron	2	3	3.7.5	Reject
141.013	Hall Family Farms	2	3	3.7.5	Reject
294.003	Landcorp	2	3	3.7.5	Reject
120.001	H Thomson	2	3	3.7.5	Reject
515.019	Mt Zion	2	3	3.7.5	Reject
459.041	Beef and Lamb NZ	2	3	3.7.5	Reject
299.001	P Bown	2	3	3.7.5	Reject
479.231	DOC	2	4	4.1.20	Accept
418.014	J Craighead	2	4	4.1.20	Accept
419.009	Flyfish Marlborough	2	4	4.1.20	Accept
420.005	Windsong Orchard	2	4	4.1.20	Accept
421.005	J Steggle	2	4	4.1.20	Accept
422.005	J Richardson	2	4	4.1.20	Accept
1251.069	Fonterra	2	4	4.1.20	Reject
179.003	Tui Nature Reserve	2	4	4.3.20	Accept
378.007	R and L Hill	2	4	4.3.20	Accept

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
524.006	A Doole	2	4	4.3.20	Accept
529.006	A Parr	2	4	4.3.20	Accept
532.006	A Millen	2	4	4.3.20	Accept
599.006	C Soderberg Jr	2	4	4.3.20	Accept
598.006	C McLean	2	4	4.3.20	Accept
594.006	C McBride	2	4	4.3.20	Accept
662.006	D McBride	2	4	4.3.20	Accept
701.006	F Chaytor	2	4	4.3.20	Accept
715.435	Forest and Bird	2	4	4.3.20	Accept
833.006	J Tillman	2	4	4.3.20	Accept
827.006	J Rossell	2	4	4.3.20	Accept
861.006	K Raeburn	2	4	4.3.20	Accept
865.006	K Walshe	2	4	4.3.20	Accept
915.006	M Dewar	2	4	4.3.20	Accept
972.006	Millen Associates Limited	2	4	4.3.20	Accept
367.002	N and C Morrison	2	4	4.3.20	Accept
1049.006	Silverwood Partnership	2	4	4.3.20	Accept
1109.006	S Browning	2	4	4.3.20	Accept
1230.006	W Tillman	2	4	4.3.20	Accept
1230.006	V Frei	2	4	4.3.20	Accept
1228.006	W Oliver	2	4	4.3.20	Accept
479.232	DOC	2	4	4.3.20	Accept
1179.020	T Stein	2	4	4.3.20	Reject
1194.006	The Sunshine Trust	2	4	4.3.20	Accept
935.052	M Robb	2	4	4.3.20	Reject
738.052	G Robb	2	4	4.3.20	Reject
640.052	D and C Robbins	2	4	4.3.20	Reject
1251.070	Fonterra	2	4	4.3.20	Reject
351.019	H Ballinger	2	4	4.3.20	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
688.070	J and J Hellstrom	2	4	4.3.20	Reject
1066.006	R Heta	2	4	4.3.20	Reject
459.015	Beef and Lamb NZ	2	4	4.3.20	Reject
459.035	Beef and Lamb NZ	2	4	4.3.20	Reject
715.436	Forest and Bird	2	4	4.3.20.1	Reject
1086.005	Ragged Point	2	4	4.3.20.1	Reject
425.665	Federated Farmers	2	4	4.3.20.1	Reject
340.003	B and C Leov	2	4	4.3.20.1	Reject
326.003	S and S Leov	2	4	4.3.20.1	Reject
676.133	Dairy NZ	2	4	4.3.20.1	Reject
339.015	S Parkes	2	4	4.3.20.2	Accept
425.667	Federated Farmers	2	4	4.3.20.2	Accept
1193.093	Environment Centre	2	4	4.3.20.2	Reject
676.134	Dairy NZ	2	4	4.3.20.2	Accept
935.065	M Robb	2	4	4.3.20.2	Accept
738.003	G Robb	2	4	4.3.20.2	Accept
423.027	C Shaw	2	4	4.3.20.2	Reject
423.032	C Shaw	2	4	4.3.20.2	Reject
359.019	WilkesRM Limited	2	4	4.3.20.2	Accept
425.668	Federated Farmers	2	4	4.3.20.3	Accept in part
715.437	Forest and Bird	2	4	4.3.20.3	Reject
91.243	MDC	2	4	4.3.20.3	Accept
676.135	Dairy NZ	2	4	4.3.20.3	Accept in part
1193.094	Environment Centre	2	4	4.3.20.3	Reject
339.014	S Parkes	2	4	4.3.20.3	Accept in part
423.028	C Shaw	2	4	4.3.20.3	Reject
509.326	Fish and Game	2	4	4.7.4	Accept
479.237	DOC	2	4	4.7.4	Reject
459.006	Beef and Lamb NZ	2	4	4.7.4	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
459.039	Beef and Lamb NZ	2	4	4.7.4	Reject
1251.071	Fonterra	2	4	4.7.4	Reject
425.702	Federated Farmers	2	4	4.7.4	Reject
640.057	D and C Robbins	2	4	4.7.4	Reject
935.057	M Robb	2	4	4.7.4	Reject
738.057	G Robb	2	4	4.7.4	Reject
991.008	NZ Deer Farmers	2	4	4.7.5	Reject
479.238	DOC	2	4	4.7.5	Reject
640.058	D and C Robbins	2	4	4.7.5	Reject
935.058	M Robb	2	4	4.7.5	Reject
738.058	G Robb	2	4	4.7.5	Reject
1251.072	Fonterra	2	4	4.7.5	Reject
425.703	Federated Farmers	2	4	4.7.5	Reject
459.042	Beef and Lamb NZ	2	4	4.7.5	Reject
459.016	NZ Beef and Lamb	2	21	21.3.16.3	Reject
459.036	NZ Beef and Lamb	2	21	21.3.16.3	Reject
425.380	Federated Farmers	2	25	Definitions (Breakfeeding)	Reject
425.393	Federated Farmers	2	25	Definitions (Dairy cattle)	Reject
1035.002	P Wilhelmus and Ormond Aquaculture Limited	2	25	Definitions (Intensively farmed livestock)	Accept
715.424	Forest and Bird	2	25	Definitions (Intensively farmed livestock)	Accept
321.004	S and R Adams	2	25	Definitions (Intensively farmed livestock)	Reject
425.404	Federated Farmers	2	25	Definitions (Intensively farmed livestock)	Reject
454.064	K Loe	2	25	Definitions (Intensively farmed livestock)	Reject
455.068	J Hickman	2	25	Definitions (Intensively farmed livestock)	Reject
456.068	G Mehlhopt	2	25	Definitions (Intensively farmed livestock)	Reject
462.041	BRIL	2	25	Definitions (Intensively farmed livestock)	Reject
970.024	Middlehurst	2	25	Definitions (Intensively farmed livestock)	Reject
991.001	NZ Deer Farmers	2	25	Definitions (Intensively farmed livestock)	Reject

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
1258.001	G Barnett	2	25	Definitions (Intensively farmed livestock)	Reject
256.001	J Stevens	2	25	Definitions (Intensively farmed livestock)	Reject
256.003	J Stevens	2	25	Definitions (Intensively farmed livestock)	Reject
201.004	V and D Wadsworth	2	25	Definitions (Intensively farmed livestock)	Reject
509.004	Fish and Game	2	25	Definitions (Intensively farmed livestock)	Reject
1237.005	Willowgrove Dairies Limited	2	25	Definitions (Intensively farmed livestock)	Reject
1124.020	S MacKenzie	2	25	Definitions (Intensively farmed livestock)	Reject
712.021	Flaxbourne Settlers Association	2	25	Definitions (Intensively farmed livestock)	Reject
459.068	Beef and Lamb NZ	2	25	Definitions (Intensively farmed livestock)	Reject
1251.091	Fonterra	2	25	Definitions (Intensively farmed livestock)	Reject
340.001	B and C Leov	2	2	Definitions (Intensively farmed livestock) (lodged against Heading 2.9.9)	Reject
340.002	B and C Leov	2	3	Definitions (Intensively farmed livestock) (lodged against Heading 3.3.21)	Reject
1251.073	Fonterra	2	25	Definitions (Active bed of the river)	Reject
1090.124	Ravensdown Limited	2	25	Definitions (Good Management Practice)	Reject
1192.096	Fertiliser Association	2	25	Definitions (Good Management Practice)	Reject
1090.126	Ravensdown Limited	3	--	New Appendix	Reject
1192.098	Fertiliser Association	3	--	New Appendix	Reject
233.005	Totaranui Limited	1	15	Chapter 15	<i>N/A - no relief sought</i>
509.155	Fish and Game	1	15	Chapter 15	<i>N/A - no recommendation</i>
1188.006	Ngāti Rārua	1	15	Chapter 15	<i>N/A - no recommendation</i>
339.020	S Parkes	1	15	15.1.23	<i>N/A - no relief sought</i>
688.068	J and J Hellstrom	1	15	15.1.23	<i>N/A - no relief sought</i>
961.063	Chamber	1	15	15.1.23	<i>N/A - no relief sought</i>
961.064	Chamber	1	15	15.M.6	<i>N/A - no relief sought</i>
348.016	M Chapman	1	15	15.M.6	<i>N/A - no recommendation</i>
348.018	M Chapman	1	15	15.M.6 (lodged on Chapter 14)	<i>N/A - no recommendation</i>
472.022	ME Taylor Limited	2	2	2.7.9	<i>N/A - no relief sought</i>
472.023	ME Taylor Limited	2	2	2.9.9	<i>N/A - no relief sought</i>

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Submission Point	Submitter	Volume	Chapter	Provision	Recommendation
148.001	K Register	2	2	2.9.9.1	<i>N/A - no recommendation</i>
991.003	NZ Deer Farmers	2	2	2.9.9.1	<i>N/A - no recommendation</i>
425.565	Federated Farmers	2	3	3	<i>N/A - no recommendation</i>
348.024	M Chapman	2	3	3.3.21	<i>N/A - no recommendation</i>
1193.096	Environment Centre	2	3	3.3.21	<i>N/A - no recommendation</i>
1194.005	The Sunshine Trust	2	3	3.3.21	<i>N/A - no recommendation</i>
1193.097	Environment Centre	2	4	4.3.20	<i>N/A - no recommendation</i>
991.004	NZ Deer Farmers	2	3	3.3.21.1	<i>N/A - no recommendation</i>
425.666	Federated Farmers	2	3	3.3.21.1 (lodged on definitions)	<i>N/A - no relief sought</i>
991.005	NZ Deer Farmers	2	4	4.3.20.1	<i>N/A - no recommendation</i>
339.016	S Parkes	2	4	4.3.20.1	<i>N/A - no relief sought</i>
472.024	ME Taylor Limited	2	2	2.11.4	<i>N/A - no relief sought</i>
472.025	ME Taylor Limited	2	2	2.11.5	<i>N/A - no relief sought</i>
294.001	Landcorp	2	25	Definitions (Intensively farmed livestock)	<i>N/A - no relief sought</i>