

Questions from the Hearing Panel to Section 42A Report Authors

Key: RVV = R van Voorthuysen, MR = M Rodway, LMC = L McCallum, EE = E Ellison

Report Para	Question	Author of question
2.40	Do you mean the pSRPS rather pSWLP at the end of line 2 on page 20 para 2.40?	MR
3.13	Are the degraded estuarine areas located wholly within the CMA?	RVV
3.47	What are the decreases in nitrate nitrogen attributed to?	RVV
3.63	Groundwater Allocation; Do we need to understand the process of how we get to fully allocated, or re-look at levels, or state that more catchments are fully allocated? What do we need to consider in this area?	LMC
3.78	Are any aquifers over-allocated (as opposed to fully allocated)?	RVV
3.87	Are any surface water resources over-allocated (as opposed to fully allocated)?	RVV
3.111	“Performed reasonably well” What does this really mean?	LMC
4.15	“Te Mana o Te Wai” This is an example but through the plan there is a number of text using the Maori language, while the officer is happy in this case, (that translation is easily found) to the general public there is places that the translation is there, as in the preamble but not consistent throughout. Objective 5; I cannot find translation Should we be consistent throughout?	LMC
4.44	The proposed paragraph (second) re the “partnership between Environment Southland and Ngāi Tahu” refers to the “.... <i>indirect effects on the regulations of all mataitai and on the customary rights of Ngāi Tahu.</i> ” Would the following wording better represent the indirect effects on mataitai of issues arising from water quality and quantity and land use?; “... <i>indirect effect on the traditional fisheries located in all mataitai reserves and consequently the customary fishing rights of Ngāi Tahu</i> ”. Explanation, the management of mataitai is through bylaws applicable within the mataitai reserve only, the normal range of advocacy options rather than ‘regulations’ are available to Ngāi Tahu to address issues arising from the indirect impact of land and water use issues on traditional fisheries located within mataitai reserves.	EE
5.94	It appears from the discussion in section 3 of the S42A Report that some Southland water resources are already over-allocated in terms of water quality. If that is so, is the recommended wording that over-allocation is avoided (rather than being remedied or improved) appropriate?	RVV
5.105	Do the pSWLP Region-wide Objectives 1 to 18 constitute “freshwater objectives” (as that term is defined in the NPSFM)?	RVV
5.117	Is the assumption that there was no intention to prioritise environmental and social values over other values consistent with the discussion on page 39 of the S32 Evaluation Report under the heading of “Feasibility”? If the recommendation to amend Objective 9 is adopted, does	RVV

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	recommended Objective 9A provide any guidance to decision-makers over and above that already contained in section 5 of the RMA?	
5.141	“reasonable use” Bearing in mind comments in 5.138 how would the council read or interpret this with an application in front of them?	LMC
5.150	This does not make sense to me both here and in the pSWLP, 5.142 – 5.149 talks about allocation, hydrogeology and recharge but your amended objective 12 states “.....safeguard the life supporting capacity, ecosystem processes and indigenous species of groundwater....” Then tries to bring in surface water. Are you happy with your recommendation here?	LMC
5.167	Is the use of the word “land” in Objective 13 and recommended new Objectives 13A and 13B intended to encompass the beds of surface waterbodies?	RVV
5.169	Does the discharge of contaminants include individual urine and dung patches from livestock and is the answer to this made clear in the plan?	MR
5.169	Would it be appropriate to use the phrase “... significant or cumulative <u>adverse</u> effects “ in recommended new Objective 13B?	RVV
5.183	Would the grammar of Objective 14 be better if it read “The range, diversity and life supporting capacity of indigenous ecosystem types and habitats within rivers, estuaries, wetlands and lakes is maintained and enhanced”?	MR
5.200	What does the recommended phrase “... where necessary...” mean, namely necessary for what purpose? Is it appropriate to also maintain and enhance public access “along” river and lake beds?	RVV
Obj 16	Are the amendments proposed consistent with Objective BRL 2 of the pRPS?	MR
5.213	What are “bed rapids”? Should this be separated by a comma as the bed and rapids are two separate features of rivers?	MR
6.23	In the second line of the paragraph, the title to the Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 uses the term “ <i>Te Tangi Te Tangi a Turia</i> ”, is that intended to be “ <i>Te Tangi a Tauria</i> ”?	EE
6.26	The obligations imposed on consent decision-makers reside with s104 of the RMA. That section requires decision-makers to “have regard” to a range of matters. Should Policy 2 therefore be amended to require consent decision makers to “have regard” to items 1 and 2 of Policy 2?	RVV
6.28	The recommendation is not to accept the Ngai Tahu submission at para 6.28. Is “managing” activities that affect taonga species consistent with Obj 3 and Method TW.1 of the pSRPS?	MR
6.47	Some submissions state that the term “strongly discourage” when used in a policy is vague and inappropriate. Would it be an improvement if instead of the phrase “strongly discouraging the granting of ...” in Policy 9(3) and other similar policies if the plan read instead “decision-makers should generally not grant ...”?	RVV
6.56	Considering the wording of s104 of the RMA and the existing wording of Policies 4 to 12 would it be appropriate if recommended new Policy X was worded “Have particular regard to site specific information on key contaminant transport pathways for each landholding when assessing resource consent applications for land use and discharge activities.”	RVV

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6.63	<p>The author of the report states there may be instances where carefully managed cultivation activities are acceptable in the Alpine PZ. Can this be clarified please? Is there scientific opinion /evidence that supports the idea that mechanical cultivation in the alpine zone can be done sustainably and still meet the objectives of the pSWLP?</p> <p>At para 7.546 there is a list of reasons why dairy farming is not permitted in the alpine zone (it is highly unlikely that it would be feasible there in any case).Are these reasons relevant to cultivation too?</p> <p>The draft policy “strongly discourages” granting consent. Would making it a prohibited activity make the policy direction clearer and more certain for both developers and potentially affected parties?</p>	MR
6.166	How do you consider something like estuaries km away and many properties in between?	LMC
6.184	<p>Would Policy 40.5 be improved if it was to refer to “... a common expiry date <u>or suitable review conditions</u> ...” ?</p> <p>Would recommended Policy 40.6 be improved if it was to read “... and <u>their adoption</u> ...”</p>	RVV
6.195	Would Policy 41 be improved if it was to read “Consider the <u>magnitude risk</u> of <u>adverse</u> environmental effects and risk <u>occurring and their likely magnitude when</u> ...”	RVV
6.224	Toward the end of that paragraph the report author appears to recommend on the submission point of Federated Farmers to the deletion of “ <i>and will not deviate from the structure and methodology outlined in these Process Policies</i> ”. However at 6.226 the recommendation of an amended Policy 45 the wording referred to remains, is that the intended outcome?	EE
6.226	Should the words “and will not deviate from the structure and methodology outlined in these Process Policies.” be shown as strikethrough?	RVV
6.226	Will the FMU sections contain rules?	RVV
6.239	In relation to a Meridian submission point (562.9) proposing new wording for Policy 46, the report author supports adopting that submission and its proposed wording, but recommends that it would be better placed in Policy 47 for the reason that it better aligns with the FMU processes. However that same wording appears in the recommended amendment to Policy 46, is that the intended outcome?	EE
6.312	F&B seeks to ensure that any FMU outcomes are not more lenient than region wide provisions. It would appear that they would be in contravention of the pSRPS and pSWLP if they were but the response suggests that the reason for not including a statement to this effect is that such a statement would fetter the Council’s ability to do so. Could the author of the report expand on the response at 6.312 and comment on the observations above?	MR
7.8	If the NPSFM changes over the life of the plan how would the plan adjust to that? Would it be better to simply refer to the NPSFM saying it needs to be complied with?	MR
7.30	Recommended rewording of Policy 14 includes the wording “... <i>with</i>	EE

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	<i>particular regard to cultural effects, associated with a discharge to land are greater than a discharge to water</i> ", is there an indication of circumstances where that may be a consideration, eg; discharge to a burial ground or wahi tapu, or does the Ngāi Tahu iwi resource management plan " <i>Te Tangi a Tauria</i> " provide such direction?	
7.30	Can you explain "culture effects" to water?	LMC
7.31 - 7.61	In Policy 15 subsections 2 and 3 the word "avoid" is used twice. Can the explanation at para 7.53 be elaborated on further to explain how this adds to what we are currently doing so that we can be confident that water quality and quantity and aquatic biodiversity will be maintained and enhanced as required elsewhere in the pSWLP?	MR
7.31 & 7.61	Policy 15 (4) in the pSWLP contains the typo " <i>moidified</i> " which appears corrected in the Section 42A Report as "modified". This corrected wording could be inferred as being attributed to the F&G submission point 752.59, is that the correct source or is it a minor or consequential amendment?	EE
7.50	If "avoid" in Policy 15.1 and 15.4 means "not allow" are there prohibited activity rules that give effect to that policy direction? If not, is the word "avoid" appropriate?	RVV
7.61	<p>Policy 15 conflates two policy imperatives, firstly avoiding, remedying or mitigating adverse effects and secondly achieving water quality and sediment standards. Can you please clarify why it is necessary to avoid, remedy or mitigate adverse effects if a new or existing discharge results in (under second clause 2) water quality being improved and (under second clause 3) the DWSNZ being met and (under second clause 4) the ANZECC standards being met?</p> <p>In the first clause 4, does the zone of reasonable mixing refer to the point where the artificial watercourse merges with a river, lake, modified watercourse, natural wetland or lagoon?</p> <p>Regarding the first clauses 1 and 4, after reasonable mixing has occurred it is possible that concentrations of some contaminants will exceed the levels upstream of the discharge, if only by a small amount, thereby reducing water quality. Given that "avoid" means "not allow", are there prohibited activity rules that give effect to these policies? If not are the policies appropriate?</p> <p>The second clauses 1, 3 and 4 have objective end points. What degree of improvement is required under the second clause 2 and recommended new clause 5?</p> <p>Under recommended new clause 5, does over-allocation equate to an exceedence of the Appendix E standards? If so is the new clause necessary given the existing second clauses 1 to 4?</p> <p>If over-allocation does not equate to an exceedence of the Appendix E standards, how is over-allocation to be determined by decision-makers?</p> <p>Can you please explain how the adverse effects of a discharge can be avoided other than by not allowing the discharge to occur?</p>	RVV
7.81	A plain reading of clause (i) only requires that the discharge does not reduce the water quality below the Appendix E standards. If the water quality is already below those standards above the point of discharge then clause (i) does not apply. Clause (i) would only apply in those circumstances if the rule read "... reduce or further reduce ...". Can the	RVV

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	author please clarify why they consider that clause (i) additionally requires that the discharge must have no [presumably adverse] effect of water quality?	
7.95	Given the comment at para 7.95 could Rule 7 be deleted under RMA Schedule 1 Clause 16?	RVV
7.142	Regarding clause (c), after reasonable mixing has occurred it is possible that concentrations of some agrichemical derived contaminants will exceed the levels upstream of the discharge, if only by a very small amount, thereby reducing water quality. Is the recommended inclusion of the words "... no reduction ..." workable?	RVV
7.201	Would it be more appropriate to refer to a "natural wetland" in recommended new clause (a)(vii) ?	RVV
7.240	Would a fenced riparian area containing ungrazed rank grasses constitute "riparian planting" ?	RVV
7.251	As a consequential amendment, would it be an improvement to align the wording in clause (a)(iv) with that now recommended for clause (a)(i) ? At the start of the rule, would it be more appropriate to use the wording "... onto or into land .." so as to align with s15 of the RMA ?	RVV
7.276	Would it be an improvement to insert commas after the word "land" in the first line and after the word "water" in the second line ?	RVV
7.277	Can you please advise which rule(s) deal with discharges from reticulated stormwater systems?	RVV
7.320	In light of recommended new condition (d), namely compliance with the Appendix E water Quality Standards, is it necessary to retain Matter of Control 2?	RVV
7.329	Would clause (c) be improved if there was a comma after "zone" and no comma after "site" ?	RVV
7.348	The pSWLP must give effect to Objectives A1 and A2 of the NPSFM (only the NPSFM policies are referred to in Council's Progressive Implementation Programme). Does Appendix E adequately give effect to to Objectives A1 and A2 of the NPSFM ?	RVV
7.409	Does the phrase "fully mitigated" have the same meaning as "avoid" ? Is the mitigation envisaged to occur before the contaminants reach water or within the receiving waterbody ?	RVV
7.426	Would Policy 16(1)(b) be improved if it read " ...the effects, <u>including cumulatively</u> , on the quality of <u>surface water</u> , including cumulatively , of groundwater, waterbodies, lakes, rivers, ..." "Water body" as defined in the RMA refers only to fresh water. Would Policy 16(2)(b) be improved if it read "... stock entering <u>the beds of</u> surface water bodies." ? If so would any other provisions benefit from a similar amendment?	RVV
7.437	Is an alleged effect on property values an effect under the RMA ? What does the case law say about this?	RVV
7.445	Is undermining public acceptance a relevant matter to consider when giving effect to Objectives A1 and A2 of the NPSFM ?	RVV
7.456	Is intensive winter grazing on more than 20ha in the Bedrock/Hill Country RD (Rule 23(c)) not D?	RVV
7.457 –	The main relief for submitters appears that a 50ha limit for new dairy	MR

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7.463	<p>farming or winter grazing the mixed PZ with 50 and 20ha limits, depending on PZ, as advertised.</p> <p>In addition provided no more than 50 ha of Old Maitava or Peat Wetlands PZ is used for winter grazing then the winter grazing is to be a permitted activity. Is this correct?</p>	
7.462	<p>Would the last sentence of this paragraph be correct if it ended with “ then the more restrictive status should apply to the <i>landholding.</i>’ or “...<i>that area where the more intensive winter grazing occurs</i>”?</p>	EE
7.477	<p>Do the time frames for the development of FMUs still concur with Council plans or is there a different order now and different time frames for these catchments?</p>	MR
7.482	<p>While the nutrient losses might be low for these farms on a per hectare basis would the large size of some of these farms mean that they nevertheless contribute a significant nutrient load to ultimate receiving waters such as estuaries ?</p>	RVV
7.501 – 7.505	<p>P 258-9 and at the recommendation on P 266 changes are recommended for the requirement for nutrient budgets. Paras 7.501-7.505 and 7.533 (recommended new Appendix N).</p> <p>The changes recommend that nutrient budgets are required for all farming types except sheep, deer and cattle, provided no dairy support occurs and there is not more than 20 ha of winter grazing. Does intensive beef, sheep or beef farming pose such a low risk to contamination of water that the objectives and policies of this and higher planning documents can be met? The analysis at para 7.504 is silent on <u>intensive</u> sheep, beef or deer farming.</p> <p>A number of submitters have attempted to define low intensity sheep and beef farming, mainly in relation to fencing requirements in the Hill/Bedrock PZ. Perhaps one of these could be used to differentiate between low intensity farming and high intensity farming where nutrient budgeting would be desirable? Does the recommended new section of the FEMP (4), meet all the criteria needed to meet the objectives of the plan given that intensive sheep, beef and deer farming may pose risks?</p> <p>The term all farming activities appears to be very wide and may catch some activities which have a very low risk of having adverse effects on the environment. Would it be clearer for users of the plan for the FEMP to include those activities that pose a risk rather than just excluding sheep, beef and deer without dairy support or wintering?</p> <p>Should a nutrient budget include a requirement to minimize nutrient losses from the farming operation?</p>	MR
7.533	<p>How does App N apply to consented properties or is there a double up here?</p> <p>ES has a lot of property data now, will this be a validation exercise or a totally separated system?</p> <p>(4) Nutrient Budget; Is the 20ha correct here when looking at 7.653</p>	LMC

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	rule 23 when you have recommended 50ha? (5) ii How will this work in real life when many farmers view all their work is GMP?	
7.571	Are there other provisions in the pSWLP relating to the Southland Dairy Hub that are now similarly obsolete?	RVV
7.605 - ?	<p><u>Intensive Winter Grazing (WG)</u></p> <p>There is a graph on p 285 (Fig 7.1) which compares the options as suggested by submitters to alter Rule 23 (b) and (c). Table 7.1 also compares the area which the council would have control over and the number of consents but does not consider the greater susceptibility to nutrient loss that different PZs result in.</p> <p>New winter grazing on Old Mataura (OM), Central Plains (CP) and Peat Wetlands (PW) is now a discretionary activity over 50ha per landholding.</p> <p>Given the above, particularly the change from 20ha to 50ha for the most sensitive zones and by not including the Riverine or Oxidizing PZ how do the recommendations provide security that the goals and objectives of the plan and the pSRPS will be met?</p> <p>Several submitters e.g. Fish and Game, DoC suggest that Oxidizing PZ and Riverine PZ should also be subject to more restrictive winter grazing. Elsewhere in the analysis these PZ are identified as being highly susceptible to nutrient (especially N) loss. Is the recommendation consistent with these other comments?</p> <p><u>Use of percentage for WG</u></p> <p>It is noted in the report that there were many submissions requesting a percentage as a fairer method to allow winter grazing as a permitted activity. While the percentages requested varied would it be a more socially acceptable solution, and therefore a more sustainable one, to recommend a percentage as submitters have requested? The option of greater than 50ha or 10% is not favoured by the s42A author. For more security to achieve the objectives of the pRPS and the pWALP could this variation be altered to retain the 10% but also provide a limit of 20ha on more susceptible PZ (Oxidizing and Riverine as well as Old Mataura and Peat Wetlands) be proposed as requested by some submitters?</p>	MR
7.617	What is the land slope in the picture?	RVV
7.623	Refers to 4 degrees. Is this correct or should it be 9 degrees?	MR
7.625	Please provide an updated analysis as part of the Council's opening submissions.	RVV
7.652	Can you please explain the words in brackets prior to the recommended amendments?	RVV
7.652	Should recommended new clause (f) refer to 21(b)(vi) not (v) ?	RVV
7.652	Do all existing dairy farms have FEMPs prepared in accordance with Appendix N in place? If not, are the implications of recommended new clause (f) those that are discussed in para 7.560?	RVV

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7.652	Does the use of land for dairy farming of cows under new Rule 21(c) still need to comply with Rules 21(b)(i) and (ii)? If so should the rule state that?	RVV
7.653	<u>Recommended Rule 23 (f1)</u> - perhaps this should be the recommended Rule 23 (g)?	MR
7.653	Can you please explain the words in brackets prior to the recommended amendments?	RVV
7.653	Are there words missing from recommended new clause (b1)(ii)(2) ?	RVV
7.653	Given that para 7.530 states that the pSWLP does not impose auditing for FEMPs, why is auditing referred to in recommended new Rule 23 (b1) MOC 1 and existing (c) MOC 1 (and presumably numerous other provisions) ?	RVV
7.653	Should Rule 23 recommended new clause (f1) refer to Rule 21(e) or 23(e)? Should Rule 23 recommended clause (b1)(ii)(1) refer to critical source areas not crucial source areas?	RVV
7.653	Should the introduction to Rule 23(c) have the term ' <i>intensive winter grazing</i> ' inserted in front of the words recommended by the report author to be inserted of " <i>on a landholding is a restricted discretionary ...</i> "?	RVV
7.653	Does the use of land for intensive winter grazing under new Rule 23(b1) still need to comply with Rules 23(a)(ii), (vii) and (ix)? If so should the rule state that?	RVV
7.705	Do we need to consider sediment traps either temporary or permanent when considering setbacks? How do you consider spray and pray in year 1 and the next year you have to cultivate because the soil is turned black and damaged with stock in the 20 to 25 degree slope?	LMC
7.738	Regarding Policy 17: Is it possible to avoid <u>all</u> adverse effects on water quality, for example is the passage of a contaminant from a land discharge through soil and then into water an adverse effect that can always be avoided? Are there any provisions in the NPSFM objectives or the pSRPS that require all adverse effects on water quality to be avoided? Is a discharge of contaminants that does not breach the Appendix E standards after reasonable mixing an adverse effect?	RVV
7.672	Is the word "note" meant to be "not"?	MR
7.705	Should other accredited agencies be permitted to provide this advice?	MR
7.740	is "sewage" mean to be "sewerage" in line 7?	MR
7.746	The paragraph implies that soil moisture is always above field capacity from April to November each year. Many submitters claim that this is not so. While it is more likely during this time, is it true that soil moisture can be low enough to apply effluent some times during this 9 month period? If so, should this sentence be amended? In addition soil properties affect the field capacity so that some soils are at field capacity longer than others given the same temperature, precipitation and evapotranspiration environment. Should this be reflected in the s42A report?	MR
7.810	Proposed new Rule 26 (b) (vii) (5) Is the new clause " <i>excluding subsurface drainage systems which benefit the on-site wastewater system</i> " sufficiently clear that it would be enforceable as a consent condition?	MR
7.898	Should new Rule 32(b) MOC 4 refer to "the <u>potential</u> adverse effects ..." ?	RVV
7.898	Should Rule 32(c) refer to not meeting the conditions of Rule 32(b)?	RVV

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7.898	Rule 32 (a)(iv): Does the term “road” include all legal roads - formed and unformed? Was this the intention of the submission? The reason for this question is that many unformed roads used as part of a farm even though legally they are “roads” i.e. public land and are rarely used by the public, although some are, especially for access to rivers.	MR
7.898 – 7.996	Rule 32 to 35: Are we treating these ponds the same way? There is reference to 24hr and 48hrs in the tables which I think is per 24hrs and do test for 2 days or 48hrs. Also can this test be done as an operating pond for all ponds? If the answer is the same for all then can we just have one rule for all ponds?	LMC
7.906-7.907	Is the word sewage used correctly in this paragraph? The correct word appears to be sewerage as the term “sewage” refers to “schemes” in several places. The term sewage is of course the material that is treated in a sewerage scheme. Alternatively the phrase “sewage treatment scheme” could be used but this is more cumbersome. The use of these words needs to be checked in other parts of the document too to ensure that they are used correctly. It is used correctly in paras 7.920 to 7.924, but generally not correctly in paras 7.906 and 7.907 for example.	MR
7.924	Is the recommendation to amend “site” to “landholding” consistent with the analysis at paragraph 7.710 ?	RVV
7.979	Should Rule 35(b) include the words “... that does not meet one or more of the conditions of Rule 35(a) ...”? Is Rule 35(b)(iii) necessary given that effluent storage is already specifically regulated under Rule 32? Would it be an improvement if the recommended timeframe amendments in Rule 35(b)(iii) were also included in Rule 32? Given the recommended amendment to Rule 35(c), should Rule 35(d) still cross-refer to Rule 35(b)? Would it be an improvement if Rule 35(e) referred to discharges “... <u>directly</u> into surface or groundwater ...”?	RVV
7.979	The term subsurface drain has (tile) after it in recommended Rule 35 (a) (1) (3) (b) (i) but not elsewhere. Subsurface drains can be mole drains or plastic perforated pipes and possibly others. Is this term “tile”, which normally refers to a clay pipe, appropriate here?	MR
7.980	Does “confined” mean small in area or does it mean that stock are retained in the pad by fences? Does this need to be clarified?	RVV
7.989	Given the steep batter slopes of most pond embankments, is the need for a normal wetted surface area sufficient reason to override an acknowledged GMP regarding low pond levels?	RVV
7.1037	The recommended Rule 38 has clause d (iv) deleted. However, para 7.746 (P 322) notes that Southland soils are at field capacity for long periods of time in the autumn, winter and spring. Does the deletion of this clause elevate the risk of the loss of contaminants to rivers etc that is consistent with the objectives of the pRPS and the pLAWP? Would it be better to change the clause to less than (for example) 50% of field capacity? The actual percentage would have to be based on a reasonable estimate of the climatic and soil saturation conditions in the region over the cooler parts of the year.	MR
7.1048	Is it better to use a dictionary definition of sludge to avoid possible	MR

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	problems with interpretation in the future? A common dictionary definition is a <i>“thick, soft, wet mud or a similar viscous mixture of liquid and solid components”</i> Could this replace “semi liquid residues” in the proposed definition?	
7.1074	Recommended new Rule 40(a)(viii) provides three years for existing silage storage facilities to be sealed. In the meantime, it is possible that contaminants may leak into groundwater from all existing unsealed silage storage facilities. That would breach Rule 40(a)(iii) triggering the need for a resource consent under Rule 40(b). Is that the intent?	RVV
7.1092	Should Rule 41(b) refer to a discharge “onto or into land, in circumstances where contaminants may enter water”?	RVV
8.7	Are Policies B1, B2, B5 and B6 relevant given Environment Southland’s Progressive Implementation Programme for Implementing the Policies of the NPSFM?	RVV
8.45	What “rights” are to be considered under Policy 20(1)(g) other than reliability of supply?	RVV
8.49	Does the author mean “principle” rather than “principal” in this paragraph. (line 5)	MR
8.52	The author states that there is no evidence that irrigation causes water quality degradation in Southland, instead blaming land use intensification. The report relies on the opinion of Mr Brydon Hughes but no data are provided although a rational explanation is. Could data be obtained, from OVERSEER modeling for example, that show the agricultural production and losses of nutrient from regularly irrigated land in northern Southland is no greater than dryland farming? If the data show that irrigation as it is normally practised in Southland does lead to intensification and greater risk of loss of nutrients to groundwater is the author confident that the changes proposed to the water quantity policies are appropriate and do meet the objectives of the pRPS and pWALP?	MR
8.92	Are the very specific requirements of Policy 22(1) necessary given the more general requirements of Policies 20(1) and 2)?	RVV
8.101	What would a consentee have to prove to satisfy the council this clause has been meet, as you have amended it?	LMC
8.158	Should Policy 42(1) be amended to exclude non-consumptive takes given the analysis in paragraph 8.144? Why is “flow sharing” recommended for Policy 42(5) given the analysis in paragraph 8.155 regarding flow sharing?	RVV
8.158	5 Can you explain “Flow sharing” please as a real example?	LMC
8.168	The recommended wording to be inserted into Policy 43, should the last word be “breached” rather than “breach”?	EE
8.187	Regarding DHL, would the introduction of a detailed methodology by way of evidence, as opposed to by way of submission, raise issues of scope and procedural fairness?	RVV
8.192	Appendix O. Should clause (a) third bullet read “an irrigation efficiency of <u>at least 80%.</u> ”?	MR
8.232	Would it be an improvement if Rule 49(b)(iii) read “... taken is <u>greater than</u> ”	RVV

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	40 cubic metres per day but less than ...”	
8.244	Regarding the amendment recommended for Rule 49(a)(v), where are we to find recommended Appendix X?	RVV
8.244	Under new Rule 49(a)(vii) a rate of 5 L/s is referred to, but under Rule 49(a)(iv) the rate of take for a PA is limited to 2 L/s. Wouldn't a take of 5 L/s be a RD under Rule 49(b)? Does Rule 49 apply to diversions or just to point source abstractions?	RVV
8.271	Would a condition that read “diversions in close proximity to a network utility shall not compromise that network utility” be appropriate given the existing use of the term “close proximity” in other provisions such as Policy 16?	RVV
8.294	Where are we to find the analysis of the additional rules sought by Meridian?	RVV
8.335	The analysis concludes that Fonterra's amendments are not appropriate but then the amendments are nevertheless recommended to be made. Can you please clarify?	RVV
8.348	Should the word “no3t” be “not”?	MR
8.404	Should Rule 54(a)(ii) be amended in the same manner as Rule 49(a)(ii) is recommended to be amended regarding s14(3)(b)?	RVV
8.422	Is that additional clause within Rule 54 provided to us?	RVV
8.464	In Table Y.2 High is it appropriate to amend the wording to “equal to or less than 80%”?	RVV
9.49	The recommended merging of Rule 43 Farm Landfills and Rule 44 Dead Holes (offal pits) requires at 43(a)(iii)(6) “..that the discharges not occur within 100 metres of a dwelling, place of assembly or landholding boundary”, and at (c)(iv)(2) for carcass or offal burial “that the discharges not occur within 20 metres of a dwelling, place of assembly or landholding boundary”. Is this differentiation in the policy intended to provide for situations where the carcass or offal burying activity is in the absence of, or separated from the presence of any farm landfill?	EE
9.63	Policy 36 specifically refers to BPO. Is the analysis consistent with the definition of BPO in the RMA?	RVV
9.68	Where are we to find the new conditions regarding incidental discharges?	RVV
10.31	Are references to “recorded historic heritage sites” dealt with consistently in the S42A ‘track changes’ version of the plan?	RVV
10.42	The recommended new schedule X, under the section headed “Archaeological discovery without an authority (Protocol)” commences with the word “In”, should that word be “if”?	RVV
10.147 and 10.154	In reference to damming on the Mataura and Oreti Rivers in relation to the Conservation Orders. The Conservation Order prohibits damming on these rivers but not their tributaries (subject to conditions relating to salmonid fish passage and spawning habitat) but para 10.154 says at clause 60 (d) damming on the tributaries of the Mataura and Waikaia is a prohibited activity. Is that consistent with the Conservation Order? Note that a weir at Mataura on the Mataura is allowed in the Conservation Order so should the rule say	MR

Report Para	Question	Author of question
	"new" dams or weirs?	
10.154	Recommended Rule 60(a)(2) would allow a dam of say 3 metres height impounding say 60,000 cubic metres to be designed and built without being certified by a suitably qualified and experienced engineer. Is that the intent?	RVV
10.167	It appears that Rule 61(c) is the rule which activities failing to meet the conditions of Rules 61(a) or 61(b) default to. However, Rule 61(c) lists a greater variety of structures than either Rules 61(a) or 61(b). That wording means that a gabion basket or a groyne, for example, would arguably be permitted activities if they met the conditions of either 61(a) or 61(b). Is that the intent? Can you also please explain why the list of structures in Rule 61(c) does not include rock rip rap, anchored or layered trees and concrete if Rule 61(c) is intended to be the default rule for Rules 61(a) and 61(b)?	RVV
10.313	Does the author mean Scandrett Rural rather than Scandratt Rural?	MR
10.367	Is the analysis with regard to clause 1 correct? For example, is it possible to extract gravel from a flowing river bed in a way that maintains or enhances aquatic habitat? If not, then by retaining the "or" at the end of clause 1, clauses 2 to 5 would set out what must be achieved instead, recognising in 2 that damaged aquatic habitat will recover in the long-term. Can you please clarify?	RVV
10.375	The proposed addition of clause 2 to Policy 29 states that the rate of gravel extraction must be sustainable. What measures should be used to ensure this occurs and should this be more explicit? This concept of sustainable extraction is not carried over into the Rule 73 (a) or (b) - should it be? (Para 10.396) Rule 73 (b) could allow large amounts of gravel to be removed. Should reference to sustainability be something the council has to consider to give effect to the proposed Policy 29 more clearly?	MR
10.394	Regarding Rule 73(a)(ii), what would be the outcome on the ground from referring to the Q95?	RVV
10.444	Should Rule 65(e)(v) refer to Rule 65(d) instead of 65(e)?	RVV
10.458	The addition of "constructed duck ponds" has been added to the definition of artificial water courses. Could there be problems with interpretation of this term? For example some duck ponds may have been excavated in a small part of a natural wetland or they may have been made by damming a wet area or drain outlet in existing pasture. Would it be helpful to define this term?	MR
11.40	The term indigenous riparian planting is added to proposed Policy 34. Elsewhere in the report benefits from riparian planting of exotic and indigenous plants is recognised. Should Policy 34 be consistent with this? I note the first sentence in the proposed new policy refers to riparian planting only. Is the intention to encourage any planting or just indigenous plant establishment in riparian zones?	MR
11.57	Can we please receive an analysis that relates to the recommended new version of Rule 70?	RVV
11.68-11.70	Are duck ponds included in this definition? Given the uncertainties in the definition of duck ponds at para 120.458 would more certainty and clarity be desirable?	MR
11.92	The author recommends not including wetlands listed in this para in the	MR

Report Para	Question	Author of question
	Appendix A Regionally Significant Wetlands. Is the author confident that the recommendation is consistent with the pRPS when it may be based on incomplete information? Does the invitation for submitters to complete the list (para 11.94) comply with the council's responsibilities under the pRPS and pWALP or should the council be conducting its own evaluation of the wetlands of the region to complete the list?	
11.114	What evidence does the author rely on to support the statement that the Lower Waiau Arm of Lake Manapouri " is essentially a shallow lake which receives very little flushing"?	MR
11.155	In the recommended new definition of habitat should the word "season" be "seasonal" as given in para 11.153?	MR
12.31	Which option is preferred by the report author? If Appendix D is deleted what amendments would be required to Rules 9 and 10?	RVV
12.52	Does Lake Manapouri provide drinking water for the township of Manapouri and if so should it be included in the Appendix?	MR
Pg 695	Is Figure 1 missing?	RVV
FEMP	Some submissions discuss "Farm Focus Activity Plans". Can you please explain what these are and if they would quality as a FEMP?	RVV
10% improvement	Some submissions refer to the operative RWP goal of achieving a 10% improvement in water quality by 2020. Can you please advise, in light of s67(f)(b) of the RMA, if the pSWLP is obliged to adopt that goal?	RVV
Riparian / Stock Exclusion	In relation to the stock exclusion and riparian management sections of the proposed Plan, a number of submitters eg; Drylands Farm Ltd and many others state that bank stability is not aided by riparian areas being fenced off and being vegetated, that erosion effects can increase due to the banks and berms being heavily vegetated. While Fish & Game in their submission state that the stability of banks of waterways can be jeopardised by mechanical cleaning of waterways that excessively deepen or widen such waterways. There has been virtually no commentary in the Section 42A Report on these type of submissions to indicate whether; <ul style="list-style-type: none"> • Southland riparian areas are/are not prone to induced erosion from fencing of and revegetation of riparian areas; • There is insufficient evidence to support the submitters assertions?; • There are other causes, eg; such as over excavating when cleaning of beds and banks of streams? 	EE
Appendix D – Wetland Mapping	Is the location of Jacobs Estuary on Wetland Map 24 correct? As noted elsewhere there are a number of wetlands that have not been identified as being significant. Is the process to identify whether or not these are significant complete? Is it within scope to complete the identification process through the pSWLP?	MR