Clare Lenihan LLB, MusB

ENVIRONMENTAL & PUBLIC LAW BARRISTER

17 May 2018

Environment Southland
PB 90116
INVERCARGILL

Attn: Rob Phillips

Dear Rob,

SOUTHLAND REGIONAL COUNCIL PROPOSED WATER AND LAND PLAN: APPEALS

Please find enclosed appeals on the above proposed plan from:

1. Stoney Creek Station Ltd
2. The Terraces Ltd
3. Campbell's Block Ltd. and
4. Robert Grant

If you have any further queries in relation this matter, please contact Clare Lenihan on (03) 2141674, clare.lenihan@environmentallawyer.co.nz, or Jeff Walker on (03) 2140777, jeff@wmlaw.co.nz.

Yours sincerely

Clare Lenihan
Barrister

www.environmentallawyer.co.nz

102 Jed Street, Invercargill 9810 P 03 214 1674 M 027 577 6823 E clare.lenihan@environmentallawyer.co.nz

BEFORE THE ENVIRONMENT COURT

IN THE MATTER OF the Resource Management Act 1991

IN THE MATTER OF of an Appeal pursuant to Clause 14 of the First Schedule to the Act

BETWEEN **CAMPBELL'S BLOCK LTD**
Appellant

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON PROPOSED PLAN ON BEHALF OF THE APPELLANT Date 17 May 2018

Instructing Counsel for Appellant:
Jeff Walker, Walker Murdoch Law Limited
PO Box 1188
Invercargill 9840
Tel: 03 2140777
jeff@wmlaw.co.nz

Counsel for Appellant:
Clare Lenihan
Barrister
102 Jed Street
Invercargill 9810
Tel: (03) 214 1674
clare.lenihan@environmentallawyer.co.nz

Notice of appeal to Environment Court against decision on proposed plan

Clause 14(1) of Schedule 1, Resource Management Act 1991

To the Registrar
Environment Court
Christchurch
Att: Christine McKee
Email: Christine.McKee@justice.govt.nz

1. Campbell's Block Limited (the Appellant) appeals against parts of a decision of the Southland Regional Council on the Proposed Southland Water and Land Plan (pSWLP).

2. The Appellant made a submission on the pSWLP.

3. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

4. The Appellant received notice of the decision on 4 April 2018.

5. The decision was made by the Southland Regional Council. The references below are to the decisions version of the pSWLP, 4 April 2018.

6. The parts of the decision the Appellant is appealing, the reasons for the appeal and the relief sought are set out under relevant topic headings below.

A. Rule 20 Farming

(i) Intensive Winter Grazing – size of area allowed to be grazed - Rule 20(a)(iii)(1)

Decision appealed:

7. The Council's decision to accept only in part the Appellant's submission 117.11 with the result that the area of permissible intensive winter grazing is 15% of a landholding or 100 hectares, whichever is the lesser.

Reason for appeal:

8. The proposal to allow intensive winter grazing on no more than 15% of a landholding or 100 hectares, whichever is the lesser:

8.1 Is a one size fits all approach, which doesn't recognise the scale of different properties;

8.2 Is not sustainable for larger properties if limited to 100ha - larger properties will be unable to winter their own capital stock;

8.3 Penalises owners of properties at a higher altitude as there are generally lower yields for these properties, resulting in lower stock units per hectare and the need for larger areas to graze the stock. Conversely, with lower stock numbers per hectare, there are also less adverse effects grazing the same stock numbers over a greater area;

8.4 Penalises the owners of larger properties without justifiable reason e.g. a 667 hectares property cap is 100 hectare and a 2000-hectare property cap is 100 hectares;

8.5 Does not allow for crop failure or lower yields due to climatic/pest issues;

8.6 Potentially devalues our (and other) property;

8.7 Will result in potentially more adverse environmental effects if there are more smaller landholders, allowing for more intense winter grazing over a greater collective area,

8.8 Does not give effect to the Southland RPS 2017, including Policy RURAL.1, and

8.9 Is not in accordance with Part 2 of the Resource Management Act 1991 (the RMA), in particular section 7(b), the efficient use and development of natural and physical resources.

[1] Recommended Decisions on Submissions 29 January 2018: page 91

Relief sought:

9. Delete the words "or 100 hectares, whichever is the lesser" from the Rule.

(ii) Intensive Winter Grazing – mob size - Rule 20(a)(iii)(3)(E)

Decision appealed:

10. The Council's decision to introduce a new additional practice to be required before intensive winter grazing is permitted – i.e. if cattle or deer are being grazed, the mob ("herd" when referring to cattle) size must be no more 120 cattle or 250 deer.

Reason for appeal:

11. Issues with the proposed new provision include:

11.1 It is unclear what sized area the provision applies to;

11.2 It creates a meaningless split of mobs (herds) for the same environmental impact;

11.3 Larger properties are penalised because of the larger scale, larger mobs (herds) and more land per animal;

11.4 it will not give effect to the Southland RPS 2017, including Policy RURAL.1 – Social, economic and cultural wellbeing; and

11.5 it is not in accordance with Part 2 of the RMA, in particular section 7(b), the efficient use and development of natural and physical resources.

Relief sought:

12. Amend Rule 23(a)(iii)(3)(E) to increase the mob (herd) size of cattle from 120 to 200.

B. Cultivation - Rule 25(a)(iv)

Decision appealed:

13. The Council's decision to reject the Appellant's submission 117.2[2], requesting it lift the slope on which cultivation could occur to 30 degrees, and instead requiring that cultivation not occur on land with a slope greater than 20 degrees[3].

Reason for appeal:

14. Land sloping greater than 20 degrees is common on and forms a large part of many properties in Southland.

15. The proposed rule is unduly onerous and:

15.1 will prevent cultivation of traditionally cultivated blocks, over a large part of Southland, unless a resource consent is obtained

15.2 results in a loss of productive land;

15.3 potentially devalues our (and other) property;

15.4 will not give effect to the Southland RPS 2017, including Policy RURAL.1 – Social, economic and cultural wellbeing, and

15.5 is not in accordance with Part 2 of the RMA in particular section 7(b), the efficient use and development of natural and physical resources.

Relief sought:

16. Amend Rule 25(a)(iv) so that the reference to "20 degrees" is replaced by "30 degrees".

(i) General

17. Campbell's Block Ltd. seeks:

17.1 such further or alternative relief to like effect (including alternative wording to address concerns expressed above) as the Court deems appropriate and any consequential amendments which may be required as a result of allowing this appeal;

17.2 costs.

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[2] Recommended Decisions on Submissions 29 January 2018: page 99

[3] Slope is the average slope over any 20m distance, FN7 pWLP, page 54.

18. The Appellant agrees to participate in mediation or other alternative dispute resolution of the proceedings.

19. The following documents are attached to this notice:

    (a) a copy of the Appellant's submission (Appendix A)

    (b) a copy of the relevant decision (Appendix B)

    (c) a list of names and addresses of persons to be served with a copy of this notice (Appendix C).

.....
Clare Lenihan
Counsel for Appellant

17 May 2018
.....
Date

Address for service of Appellant:
Jeff Walker, Walker Murdoch Law Limited
PO Box 1188
Invercargill 9840
Tel: 03 2140777
jeff@wmlaw.co.nz

and copy to:
Clare Lenihan
Barrister
102 Jed Street
Invercargill 9810
Tel: (03) 214 1674
clare.lenihan@environmentallawyer.co.nz

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (***see*** form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission or the parts of the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

The Auckland address of the Environment Court is:
8th floor, District Court Building
3 Kingston Street
Auckland
Telephone: 09 9169091
Fax: 09 9169090

Its postal address is:
P O Box 7147
Wellesley Street
Auckland

And its telephone and fax numbers are:
Telephone: (09) 916 9091
Fax: (09) 916 9090

The Wellington address of the Environment Court is:
The District Court Building
43 – 49 Balance Street
Wellington

Its postal address is:

P O Box 5027
Lambton Quay
Wellington

And its telephone and fax numbers are:
Telephone: (04) 918 8300
Fax: (04) 918 8303

The Christchurch address of the Environment Court is:
83 Armagh Street (corner Durham Street)
Christchurch

Its postal address is:
P O Box 2069
Christchurch

And its telephone and fax numbers are:
Telephone: (03) 962 4170
Fax: (03) 962 4171

Appendix 'A'

environment SOUTHLAND
Te Taiao Tonga

89-CAMERON GRANT-Campbells Block Ltd-Owner -Director

Address 65 Otamita Valley Road,RD7 , Gore, Postcode 9777

Email Address cgrant@yrless.co.nz

Phone Number 0272203605

Public Hearing I DO NOT wish to be heard in support of my submission; or

Trade Competition I COULD NOT gain an advantage in Trade Competition through this submission; or

Gain

Joint Hearing

SWLP Topics-Select the topics that you would like to provide feedback for:	**Cultivation** **Farming** **Intensive winter grazing** **Tile drains**
Cultivation	Oppose
Cultivation Comments-Please comment on the proposed rule for cultivation (Rule 25). Include any change or decision you want council to make.	I oppose this because there is not enough clarity surrounding the 20 degree rule and what it applies to in a block of land to be worked i.e. does it apply to the whole block if part of it is greater than 20 degrees or does it only apply to the area of land within the block greater than 20 degrees. I think the degree needs to be lifted to 30 because we would have to apply for permits to plant all our winter brasicas.In conjunction with an increase in the degree of the slope there also needs to be a buffer zone requirement for the upper limit as much of our cultivation can be contained to the flatter areas on top with extensive natural cover and a large buffer zone to the nearest waterway/bottom of a gully already left in place.
Farming	Neutral
Farming Comments-Please comment on the proposed rule for farming (Rule 20). Include any change or decision you want council to make.	We are doing most of this already and review it annually.We have an extensive Nutrient Budget Plan which is reviewed annually in conjunction with our Balance Rep.
Intensive winter grazing	Oppose
Intensive winter grazing Comments-Please comment on the proposed rule for intensive winter grazing (Rule 23). Include any change or decision you want council to make.	I oppose this because I don't think farmers, farming in a traditional manner, wintering their own stock should have a set amount of winter feed.The 20 hec and 50 hec maximums will not work within our farming programme.They are not practical when you have a substaintial landholding.I think the 15% that was in the original document is a significant improvement rather than a setting a hectare limit and this should cover most people wintering their own stock and operating under a more sustainable farming practise whereby they are not farming more intensively than their property allows by wintering stock off farm. NB: High or intensive stocking rate is not defined in the plan and there is not a suggested stocking rate.
Tile drains	Neutral

Tile drains Comments-Please comment on the proposed rule for tile drains (Rule 13). Include any change or decision you want council to make.	Not a time consuming task given advances in farm technology.

Sub ID & Sub Point	Recommendation	Reason
14.3, 24.86, 26.9, 31.4, 31.5, 40.6, 47.10, 48.34, 49.3, 56.4, 57.1, 58.1, 59.1, 62.8,63.3,64.12,74.2,79.2, 80.17, 81.20, 83.2, 85.2, 93.2, 99.2, 100.2, 101.2, 103.6, 107.3, 108.78, 114.2, 118.4, 119.1, 123.2, 135.2, 150.3, 152.10, 157.2, 158.2, 159.3, 160.5, 161.3, 162.3, 163.1, 172.15, 173.2, 176.3, 189.31, 191.7, 192.7, 194.1, 196.2, 198.2, 200.2, 204.2, 205.24, 206.24, 209.30, 210.82, 212.1, 218.1, 222.1, 223.1, 224.5, 231.2, 233.6, 237.1, 238.1, 239.1, 246.1, 247.9, 252.1, 257.2, 259.7, 262.2, 264.5, 265.83, 268.1, 277.44, 279.67, 292.14, 296.4, 299.14, 300.14, 310.1, 313.3, 314.3, 323.1, 331.7, 336.2, 341.8, 343.1, 348.5, 351.2, 352.3, 361.8, 362.3, 365.3, 368.1, 370.2, 371.4, 381.18, 386.8, 387.11, 390.29, 391.3, 392.1, 394.2, 401.1, 411.30, 425.2, 433.4, 434.2, 437.19, 451.7, 461.2, 463.1, 469.2, 469.3, 476.2, 478.18, 482.11, 482.12, 501.1, 502.2, 506.2, 507.2, 510.1, 515.5, 517.2, 520.2, 521.2, 522.3, 537.3, 538.3, 553.7, 554.8, 555.12, 556.4, 558.8, 565.2, 568.1, 572.2, 574.2, 578.1, 581.2, 582.2, 583.19, 586.6, 590.8, 597.2, 598.1, 603.3, 606.2, 609.3, 613.2, 617.2, 623.1, 616.6, 638.1, 640.35, 645.2, 652.4, 656.3, 661.37, 666.13, 678.3, 679.3, 681.11, 682.7, 689.2, 692.2, 694.2, 695.2, 709.2, 711.6, 712.27, 716.2, 721.2, 722.1, 723.2, 723a.2, 737.18, 739.1, 743.3, 747.5, 748.3, 752.112, 762.4, 766.4, 767.5, 771.11, 774.4, 775.2, 780.2, 782.1, 783.2, 786.4, 787.3, 790.6, 792.23, 797.37, 798.5, 799.6, 802.23, 803.38, 807.2, 810.33, 816.4, 817.20, 818.21, 819.19, 820.7, 824.2, 825.2, 832.81, 843.4, 854.2, 861.19, 864.5, 865.4, 877.45, 880.49, 892.2,893.2	Accept in part	We have recommended merging Rules 20 to 23 into a new Rule 20. We have reviewed the submissions on Rule 20 as notified in light of all these requests with a view to accepting all that would be most appropriate for achieving the objectives of the pSWLP and would contribute to a coherent body of provisions that would assist the Southland Regional Council to carry out its functions in attaining the purpose of the RMA. We have had regard to the effectiveness and efficiency of the body of provisions and have taken into account the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions and risks of acting or not acting. As a result, we have generally accepted the final amended version of Rule 20 that was presented to us in the section 42A author's Reply Report. Consequently, we recommend some of the amendments requested and do not recommend others. Without addressing each in detail, we consider that those we do not recommend would not contribute to making the pSWLP a coherent measure that would assist the Southland Regional Council as intended. The amendments to Rule 20 that we recommend are contained in the marked-up version of the Plan in Appendix B1 to this Report. See also Chapter 8 dealing with farming activities, Chapter 18 dealing with the content of FEMPs (Appendix N of the pSWLP) and Chapter 19 dealing with IASM of the separate narrative forming part of this Report where we discuss these matters in more detail.
11.3, 25.25, 67.2, 175.2, 186.4, 195.3, 319.11, 369.11, 420.2, 424.1, 464.14, 576.3, 599.1, 604.3, 615.2, 734.1, 821.2, 851.2, 852.3, 853.2, 888.8	Reject	

Appendix 'B'

Sub ID & Sub Point	Recommendation	Reason
12.1, 29.1, 33.3, 42.1, 46.1, 84.1, 88.1, 89.28, 90.1, 92.7, 94.3, 144.2, 164.1, 183.1, 184.1, 220.13, 221.13, 225.1, 243.1, 291.1, 298.3, 306.1, 312.1, 402.9, 407.1, 428.1, 435.1, 474.1, 491.1, 492.1, 493.1, 503.1, 505.1, 527.1, 539.1, 542.2, 548.1, 557.3, 563.1, 570.14, 571.1, 595.1, 630.1, 635.1, 639.1, 669.1, 677.1, 693.3, 699.1, 700.2, 714.1, 788.1, 791.1, 796.1, 812.1, 835.1, 836.1, 866.2, 867.1, 873.1, 884.1, 890.1	Accept in part	While we have recommended removing reference to the physiographic zones from the pSWLP's rules we recommend that Policies 4-11 retain reference to these zones for the reasons outlined by the section 42A authors and as further discussed in Chapter 6 of the separate narrative forming part of this Report.
1.1, 109.1, 156.6, 207.4, 253.2, 258.12, 261.3, 297.9, 334.2, 415.1, 429.2, 438.1, 477.5, 483.16, 496.1, 519.4, 525.1, 559.1, 560.4, 580.2, 642.3, 643.3, 646.2, 670.3, 690.3, 691.3, 728.3, 730.2, 733.14, 757.5, 759.9, 768.9, 776.1, 800.2, 808.3, 813.5, 840.6, 842.5, 868.16, 869.5	Reject	A general request which does not give precise details of amendments requested. See also Chapter 5 in the separate narrative forming part of this Report.
23.1, 70.2, 86.3, 91.2, 240.1, 244.1, 266.4, 316.2, 318.1, 320.1, 358.13, 413.1, 616.6, 618.1, 632.1, 648.1, 649.1, 655.6, 726.4, 793.3, 834.3	Reject	The submission is outside the scope of the p5WLP. See also Chapter 5 in the separate narrative forming part of this Report.

Sub ID & Sub Point	Recommendation	Reason
12.3, 29.3, 42.3, 46.3, 84.3, 88.3, 89.30, 90.3, 135.3, 183.3, 184.3, 192.8, 205.26, 206.26,225.3, 243.3, 291.3, 312.3, 331.8, 407.3,428.3, 435.3, 474.3, 487.3, 491.3, 492.3, 493.3, 503.3, 505.3, 527.3, 539.3, 548.3, 563.3, 571.3, 595.3, 630.3, 635.3, 639.3, 693.5, 699.3, 714.3, 788.3, 791.3, 796.3, 802.25,812.3, 835.3, 836.3, 867.3, 873.3, 884.3, 890.3	Accept in part	While we have recommended removing reference to the physiographic zones from the pSWLP's rules we recommend that Policies 4-11 retain reference to these zones for the reasons outlined by the section 42A authors and as further discussed in Chapter 6 of the separate narrative forming part of this Report.
23.3,70.4, 178.2, 244.3, 318.3, 320.3, 389.6,413.3, 618.3, 622.23, 632.3, 648.3, 649.3, 814.5	Reject	The submission is outside the scope of the pSWLP. See also Chapter 5 in the separate narrative forming part of this Report.
642.4, 643.4	Accept in part	See Section 32 Report. We address the section 32AA matters raised in this submission point in the separate narrative forming part of this Report.

Rule 23 – Intensive winter grazing

Sub ID & Sub Point	Recommendation	Reason
1.2, 3.6, 5.12, 5.13, 6.1, 7.4, 8.1, 11.6, 13.3, 14.4, 19.4, 19.5, 22.2, 23.4, 24.89, 25.28, 26.11, 27.2, 28.3, 30.2, 31.6, 32.7, 33.5, 34.2, 37.3, 38.3, 39.3, 40.8, 41.1, 43.5, 44.2, 47.13, 51.1, 53.1, 54.10, 55.2, 56.5, 57.2, 58.2, 59.2, 60.1, 62.10, 62.25, 66.2, 67.3, 69.1, 70.5, 73.13, 74.4, 79.3, 81.21, 82.5, 83.5, 87.2, 89.31, 91.3, 92.9, 93.5, 94.4, 96.1, 97.3, 99.3, 101.3, 102.4, 103.7, 105.1, 107.4, 108.81, 111.1, 114.3, 117.1, 118.7, 119.2, 120.3, 121.1, 124.2, 126.3, 132.1, 133.4, 134.1, 136.2, 139.5, 141.3, 144.5, 146.1, 147.6, 148.3, 150.4, 152.13, 154.3, 155.5, 156.8, 160.7, 163.3, 164.2, 165.1, 168.2, 175.4, 177.3, 178.3, 179.6, 181.13, 182.1, 186.5, 188.2, 189.34, 190.13, 191.10, 195.4, 198.3, 200.5, 201.2, 202.1, 203.1, 204.5, 208.1, 209.32, 210.85, 211.3, 214.14, 215.3, 217.2, 218.2, 219.5, 220.14, 221.14, 222.2, 224.8, 233.8, 235.2, 236.2, 237.2, 238.2, 239.2, 240.2, 244.4, 245.3, 247.10, 248.1, 249.25, 250.4, 251.2, 252.4, 253.4, 254.3, 257.3, 258.13, 259.10,	Accept in part	We recommend that Rule 23 as notified is included in amended Rule 20 as part (a)(iii) of that rule. We have considered the content of new Rule 20(a)(iii) in the light of all the submissions on Rule 23 as notified with a view to accepting all that would be most appropriate for achieving the objectives of the pSWLP and would contribute to a coherent body of provisions that would assist the Southland Regional Council to carry out its functions in attaining the purpose of the RMA. We have had regard to the effectiveness and efficiency of the body of provisions and have taken into account the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions and risks of acting or not acting. As a result, we recommend some of the amendments requested and do not recommend others. Without addressing each in detail, we consider that those we do not recommend would not contribute to making new Rule 20(a)(iii) a coherent measure that would assist the Southland Regional Council as intended. The amendments we recommend are contained in the marked-up version of the Plan in Appendix B1 to this Report. See Chapters 8 and 10 of the separate narrative forming part of this Report that respectively deal with farming generally and intensive winter grazing in particular. See also Chapters 17, 18 and 19 of the separate narrative forming part of this Report dealing with definitions, FEMPs and IASM respectively.

Sub ID & Sub Point	Recommendation	Reason
260.1, 262.3, 262.4, 263.1, 264.7, 265.86, 266.5, 269.1, 274.2, 275.2, 277.47, 279.69, 281.1, 284.2, 286.3, 287.3,290.2, 292.15, 294.3, 296.6,297.10,299.16, 300.16, 301.2, 302.1, 303.1, 305.1, 308.1, 310.2, 313.5, 315.1, 317.1, 318.4, 319.14, 320.4, 322.9, 323.2,324.1, 325.1, 331.9, 332.2, 333.2, 334.3, 335.4, 339.10, 341.9, 344.5, 345.5, 350.1, 351.3, 352.4, 358.14, 360.1, 361.11, 362.6, 365.5, 369.14, 370.3, 371.6, 373.1, 374.1, 377.3, 378.3, 384.3, 389.7, 392.2, 393.1, 396.2, 399.2, 401.2, 405.1, 413.4, 415.2, 416.2, 417.1, 418.2, 419.2, 421.3, 423.1, 423.2, 425.4, 425.5, 429.4, 431.3, 433.6, 437.22, 438.4, 439.2, 440.3, 443.2, 444.3, 447.3, 448.3, 450.4, 456.1, 461.3, 463.2, 464.17, 465.3, 469.6, 470.2, 476.3, 483.19, 487.4, 488.2, 494.2, 496.3, 498.4, 500.1, 501.3, 502.3, 504.4, 506.5, 507.3, 508.1, 509.3, 510.4, 511.2, 515.7, 520.5, 521.4, 524.2, 525.4, 531.3, 532.2, 533.3, 534.3, 535.5, 536.12, 538.5, 540.1, 541.2, 545.6, 552.2, 553.9, 554.10, 555.13, 556.6, 557.5, 558.9, 560.7, 564.11, 565.3, 568.2, 569.8, 572.5, 576.4, 586.9, 587.1, 590.9, 592.4, 598.4, 603.6, 604.4, 605.1, 606.3, 607.1, 613.4, 616.7, 617.3, 618.4, 623.4, 624.4, 625.2, 632.4, 634.3, 636.1, 638.4, 640.37, 641.3, 642.5, 643.5, 645.5, 646.3, 648.4, 649.4, 651.2, 652.6, 653.1, 654.2, 655.8, 661.40, 663.1, 666.16, 671.1, 672.5, 673.2, 676.2, 677.2, 678.4, 679.4, 680.1, 681.13, 682.9, 684.3, 688.1, 689.5, 690.5, 691.5, 692.5, 694.4, 695.4, 701.3, 702.3, 703.1, 705.3, 706.12, 708.2, 711.9, 712.30, 716.4, 718.11, 720.2, 722.2, 726.6, 727.2, 729.2, 731.7, 732.4, 733.15, 735.2, 738.3, 739.2, 744.2, 745.1, 747.7, 752.116, 759.12, 760.5, 761.11, 762.7, 765.3, 766.6, 769.2, 770.2, 771.13, 771a.10, 774.6, 775.5, 777.7, 778.1, 779.4, 780.4, 782.2, 783.3, 786.6, 787.4, 790.9, 792.25, 793.4, 794.1, 797.40, 800.5, 801.3, 802.26, 803.41, 804.1, 807.5, 810.35, 816.5, 817.23, 818.24, 819.22, 820.9, 822.4, 824.5, 825.5, 828.3, 828.4, 829.1, 832.84, 832.85, 833.5, 834.4, 837.2, 840.7, 843.5, 845.3, 846.2, 847.1, 849.2, 854.3,		

Sub ID & Sub Point	Recommendation	Reason
855.1, 856.5, 857.5, 858.1, 859.4, 860.3, 863.2, 864.6, 865.5, 868.18, 871.4, 875.5, 876.2, 877.48, 878.3, 880.52, 881.3, 882.2, 883.2, 885.3, 887.1, 892.4, 893.4, 894.2		
20.2, 48.37, 49.4, 63.5, 71.1, 80.18, 85.3, 109.2, 130.2, 131.1, 135.4, 142.3, 157.5, 161.5, 162.5, 192.9, 194.4, 207.7, 227.2, 228.1, 229.4, 261.4, 276.1, 278.1, 316.3, 326.1, 336.4, 337.14, 340.2, 343.2, 349.1, 354.3, 368.3, 381.21, 424.4, 426.4, 434.4, 446.1, 453.3, 458.3, 460.3, 467.8, 471.3, 472.3, 473.4, 478.20, 486.4, 495.1, 518.9, 522.5, 526.4, 529.2, 530.2, 561.1, 574.4, 593.1, 609.4, 615.3, 626.2, 644.1, 656.6, 665.1, 686.1, 685.2, 748.6, 795.2, 798.7, 811.20, 814.6, 821.4, 879.3	Reject	A general request which does not give precise details of amendments requested. See also Chapter 5 in the separate narrative forming part of this Report.
64.15, 100.3, 123.4, 125.1, 153.2, 158.5, 159.4, 172.16, 173.3, 176.4, 196.3, 205.27, 206.27, 212.2, 216.3, 246.4, 273.1, 282.1,283.4, 314.4, 353.1, 366.1, 367.1, 375.3, 380.1, 386.9, 387.14, 394.3, 402.11, 407.4, 420.3, 446.2, 451.8, 452.1, 454.2, 455.1, 459.3, 477.7, 480.5, 482.14, 499.3, 516.3, 517.4, 537.6, 542.5, 570.15, 577.2, 581.3, 582.3, 583.21, 596.2, 599.2, 619.4, 621.1, 627.5, 628.6, 629.1, 637.1, 647.7, 650.3, 659.3, 660.2, 667.7, 668.5, 669.4, 670.4, 696.2, 697.4, 700.3, 704.5, 717.4, 719.3, 721.3, 723.3, 723a.3, 724.4, 728.4, 730.5, 737.20, 740.3, 743.4, 767.7, 768.12, 772.3, 773.6, 784.1, 799.8, 813.7, 815.3, 826.3, 827.5, 830.5, 831.3, 842.7, 844.3, 861.21, 862.3, 869.6, 874.2, 888.9, 889.4	Reject	The amendments requested would unjustifiably weaken the pSWLP and reduce its effectiveness in achieving its objectives, and for giving effect to the superior instruments.
12.4, 29.4, 42.4, 46.4, 84.4, 88.4, 90.4, 183.4, 184.4, 225.4, 243.4, 291.4, 298.5, 312.4, 428.4, 435.4, 474.4, 491.4, 492.4, 493.4, 503.4, 505.4, 527.4, 539.4, 548.4, 563.4, 571.4, 595.4, 630.4, 635.4, 639.4, 693.6, 699.4, 714.4, 788.4, 791.4, 796.4, 812.4, 835.4, 836.4, 867.4, 873.4, 884.4, 890.4	Accept in part	While we have recommended removing reference to the physiographic zones from the pSWLP's rules we recommend that Policies 4-11 retain reference to these zones for the reasons outlined by the section 42A authors and as further discussed in Chapter 6 of the separate narrative forming part of this Report.
355.10	Accept in part	We address the issues raised by this submission point elsewhere in this Report.

Sub ID & Sub Point	Recommendation	Reason
406.1, 578.4, 715.4	Reject	The submission is outside the scope of the pSWLP. See also Chapter 5 in the separate narrative forming part of this Report.
304.2, 622.24	Reject	The requested amendment is uncertain and would be disproportionately onerous. It would foreclose reasonable opportunities for economic growth and employment.

Rule 24 – Incidental discharges from farming

Sub ID & Sub Point	Recommendation	Reason
24.90, 108.82, 152.14, 186.6, 189.35, 233.9, 250.5, 313.6, 368.4, 402.12, 570.16, 811.21, 832.86, 877.49, 880.53	Accept	Except to the extent that, in response to other submissions, we are recommending omissions or amendments to the notified provisions, we recommend, including for the reasons set out in the submissions and the Section 42A Reports, that they are retained as notified.
265.87, 355.11, 581.4	Reject	The amendments requested would unjustifiably weaken the pSWLP and reduce its effectiveness in achieving its objectives, and for giving effect to the superior instruments.
224.9, 582.4	Reject	A general request which does not give precise details of amendments requested. See also Chapter 5 in the separate narrative forming part of this Report.
279.70, 349.2, 640.38, 752.117, 792.26, 810.36	Reject	We adopt the recommendations and reasons set out in the section 42A Reports. Additionally, we are not persuaded that the amendment requested would be a more effective and reasonably practicable option for achieving the objectives of the pSWLP, and for giving effect to the superior instruments.
510.5, 598.5	Accept	Provisions in the pSWLP already adequately address these matters.

Rule 25 – Cultivation on sloping ground

Sub ID & Sub Point	Recommendation	Reason
5.14, 8.2, 14.5, 19.6, 22.3, 24.91, 27.3, 34.3, 43.6, 47.14, 56.6, 62.11, 79.4, 87.3, 92.10, 99.4, 101.4, 108.83, 116.4, 133.5, 147.7, 155.6, 156.9, 173.4, 185.3, 189.36, 190.14, 191.11, 210.86, 237.3, 238.3, 239.3, 249.26, 257.4, 259.11, 268.3, 275.3, 277.48, 279.71, 286.4, 287.4, 290.3, 297.11, 313.7, 340.3, 365.6, 368.5, 374.2, 390.30a, 394.4, 432.2, 452.2, 453.4, 461.4, 464.18, 470.3, 472.4, 473.5, 502.4, 507.4, 512.1, 517.5, 525.5, 532.3, 544.2, 565.4, 569.9, 570.17, 586.10, 598.6, 604.5, 622.25, 646.4, 654.3, 655.9, 662.3, 677.3, 696.3, 700.4, 710.8, 721.4, 730.6, 733.16, 735.3, 744.3, 748.7, 752.118, 758.1, 759.13, 762.8, 792.27, 793.5, 845.4, 854.4, 860.4, 866.3, 885.4	Accept in part	We recommend that Rule 25 as notified is retained in the pSWLP subject to the amendments we discuss below. We have considered the content of Rule 25 in the light of all the submissions on it with a view to accepting all that would be most appropriate for achieving the objectives of the pSWLP and would contribute to a coherent body of provisions that would assist the Southland Regional Council to carry out its functions in attaining the purpose of the RMA. We have had regard to the effectiveness and efficiency of the body of provisions and have taken into account the benefits and costs of the environmental, economic, social and cultural effects anticipated from the implementation of the provisions and risks of acting or not acting. As a result, we recommend some of the amendments requested and do not recommend others. Without addressing each in detail, we consider that those we do not recommend would not contribute to making Rule 25 a coherent measure that would assist the Southland Regional Council as intended. The amendments we recommend are contained in the marked-up version of the Plan in Appendix B1 to this Report. See Chapters 8 and 11 of the separate narrative forming part of this Report that respectively deal with farming generally and cultivation in particular. See also Chapters 17, 18 and 19 of the separate narrative forming part of this Report dealing with definitions, FEMPs and IASM respectively.
1.3, 9.1, 11.7, 25.29, 26.12, 31.7, 33.6, 39.4, 40.9, 53.2, 54.11, 57.3, 58.3, 59.3, 60.2, 65.2, 74.5, 80.19, 81.22,81.23, 82.6, 83.6, 86.5, 89.32, 91.4, 93.6, 100.4, 102.5, 103.8, 105.2, 107.5, 112.2, 113.2, 115.1, 117.2, 118.8, 119.3, 120.4, 121.2, 122.1, 124.3, 125.2, 127.1, 130.3, 131.2, 136.3, 139.6, 140.3, 141.4, 145.3, 146.2, 148.4, 150.5, 152.15, 153.3, 158.6, 160.8, 163.4, 164.3, 167.2, 168.3, 169.2, 172.17, 175.5, 179.7, 195.5, 196.4, 198.4, 199.2, 200.6, 202.2, 203.2, 204.6, 205.28, 206.28, 208.2, 209.33, 211.4, 212.3, 213.1, 214.15, 215.4, 220.15, 221.15, 222.3, 223.2, 230.1, 233.10, 234.1, 240.3, 245.4, 248.2, 255.2, 260.2, 262.5, 264.8, 265.88, 266.6, 267.1, 281.2, 282.2, 292.16, 294.4, 295.4, 296.7, 298.6, 299.17, 300.17, 301.3, 304.3, 305.2, 309.1, 310.3, 311.2, 314.5, 316.4, 317.2, 319.15, 321.1, 322.10, 323.3, 324.2, 327.1, 332.3, 334.4, 335.5, 339.11, 341.10, 344.6, 345.6, 349.3, 357.1, 360.2,	Reject	We adopt the recommendations and reasons set out in the section 42A Reports. See also the separate narrative on this matter in Chapter 11 forming part of this Report. Additionally we consider that the amendments requested would unjustifiably weaken the pSWLP and reduce its effectiveness in achieving its objectives, and for giving effect to the superior instruments.

Sub ID & Sub Point	Recommendation	Reason
361.12, 362.7, 369.15, 385.1, 386.10, 391.4, 392.3, 402.13, 403.1, 404.1, 421.4, 424.5, 429.5, 432.1, 437.23, 438.5, 441.1, 444.4, 446.3, 450.5, 454.3, 459.4, 462.1, 463.3, 469.7, 477.8, 482.15, 485.1, 486.5, 494.3, 495.2, 498.5, 506.6, 508.2, 509.4, 510.6, 511.3, 518.10, 521.5, 524.3, 526.5, 536.13, 537.7, 540.2, 543.1, 547.12, 550.1, 551.2, 552.3, 553.10, 554.11, 555.14, 556.7, 557.6, 558.10, 561.2, 564.12, 567.1, 583.22, 599.3, 568.3, 574.5, 575.1, 576.5, 578.5, 581.5, 582.5, 584.2, 587.2, 590.10, 597.3, 602.1, 603.7, 603.8, 605.2, 606.4, 608.1, 616.8, 625.3, 626.3, 627.6, 628.7, 633.1, 638.5, 642.6, 643.6, 645.6, 650.4, 656.7, 659.4, 660.3, 666.17, 667.8, 668.6, 676.3, 678.5, 679.5, 686.2, 687.1, 688.2, 689.6, 690.6, 691.6, 694.5, 695.5, 697.5, 704.3, 711.10, 720.3, 726.7, 727.3, 728.5, 731.8, 732.5, 734.2, 737.21, 738.4, 739.3, 755.1, 756.1, 761.12, 763.3, 766.7, 769.3, 773.7, 775.6, 781.1, 782.3, 784.2, 786.7, 787.5, 790.10, 802.27, 807.6, 810.37, 813.8, 814.7, 816.6, 817.24, 818.25, 819.23, 822.5, 824.6, 825.6, 826.4, 827.6, 828.5, 833.6, 834.5, 840.8, 842.8, 847.2, 851.3, 853.3, 855.2, 861.22, 864.7, 865.6, 868.19, 875.6, 881.4, 883.3, 887.2, 893.5, 894.3		
20.3, 48.38, 64.16, 66.3, 67.4, 68.1, 71.2, 96.2, 98.1, 109.3, 114.4, 135.5, 177.4, 192.10, 194.5, 219.6, 224.10, 227.3, 253.5, 261.5, 326.2, 336.5, 337.15, 353.2, 358.15, 387.15, 388.2, 405.2, 415.3, 417.2, 417.3, 425.6, 426.5, 434.5, 445.2, 466.1, 471.4, 478.21, 480.6, 488.3, 496.4, 528.3, 529.3, 533.4, 538.6, 559.3, 560.8, 592.5, 609.5, 613.5, 615.4, 637.2, 641.4, 652.7, 671.2, 681.14, 682.10, 683.2, 684.4, 692.6, 707.1, 722.3, 736.1, 767.8, 774.7, 776.2, 779.5, 783.4, 795.3, 801.4, 808.4, 821.5, 832.87, 846.3, 856.6, 857.6, 863.3, 877.50, 879.4, 880.54	Reject	A general request which does not give precise details of amendments requested. See also Chapter 5 in the separate narrative forming part of this Report.

Sub ID & Sub Point	Recommendation	Reason
42.5, 84.5, 88.5, 183.5, 184.5, 225.5, 243.5, 291.5, 312.5, 407.5, 474.5, 492.5, 493.5, 503.5, 505.5, 527.5, 539.5, 548.5, 563.5, 571.5, 595.5, 630.5, 693.7, 699.5, 714.5, 791.5, 796.5, 812.5, 835.5, 836.5, 867.5, 873.5, 884.5, 890.5	Accept in part	While we have recommended removing reference to the physiographic zones from the pSWLP's rules we recommend that Policies 4-11 retain reference to these zones for the reasons outlined by the section 42A authors and as further discussed in Chapter 6 of the separate narrative forming part of this Report.

Rule 26 – Discharges from on-site wastewater systems

Sub ID & Sub Point	Recommendation	Reason
24.92, 387.16, 640.39, 666.18, 725.5, 810.38, 832.88	Accept in part	Except to the extent that, in response to other submissions, we are recommending omissions or amendments to the notified provisions, we recommend, including for the reasons set out in the submissions and the Section 42A Reports, that they are retained as notified.
152.16, 330.14, 658.1, 750.15, 752.119	Accept in part	We adopt the recommendations and reasons set out in the section 42A Reports. See also the separate narrative on this matter in Chapter 12 forming part of this Report.
156.10, 197.8, 337.16, 349.4, 510.7, 598.7, 793.6	Reject	A general request which does not give precise details of amendments requested. See also Chapter 5 in the separate narrative forming part of this Report.
192.11, 265.89, 797.41	Reject	The amendments requested would unjustifiably weaken the pSWLP and reduce its effectiveness in achieving its objectives, and for giving effect to the superior instruments.
279.72	Reject	See Chapter 20 of the separate narrative forming part of this Report.

Rule 27 – Discharges from pit toilets

Sub ID & Sub Point	Recommendation	Reason
24.93, 510.8, 598.8, 832.89	Accept in part	Except to the extent that, in response to other submissions, we are recommending omissions or amendments to the notified provisions, we recommend, including for the reasons set out in the submissions and the Section 42A Reports, that they are retained as notified.
279.73	Reject	See Chapter 20 of the separate narrative forming part of this Report.
750.16, 752.120	Accept in part	We adopt the recommendations and reasons set out in the section 42A Reports.

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Appendix 'C'

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Carmyllie Farm	Blair McKenzie	64 Gold Creek Road RD 3 Gore 9773	blair-mckenzie@hotmail.com
Carnie Farms	Brian & Marie Carnie	177 Oakland Road Mataura Island RD 1 Wyndham 9891	brimaxx@outlook.com
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CLEMENT Paul & Linda		1232 Pyramid Waiparu Road RD 7 Gore 9777	clemsouth@xtra.co.nz
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