

Te Anau Downs Station
Private Bag 50050
Te Anau, 9640
Email: chartrespeter@gmail.com

The Registrar
Environment Court
Level 1, District Court Building
282 Durham Street
CHRISTCHURCH, 8013

BY COURIER
BY EMAIL: Christine.mckee@justice.govt.nz

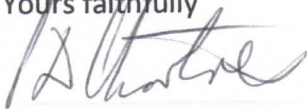
17 May 2018

Peter Donald Chartres v Southland Regional Council – Appeal against a decision on proposed Southland Water and Land Plan

I enclose my notice of appeal (in triplicate).

Payment of the \$511.11 filing fee has been made via internet banking on 17 May 2017.
Payment particulars: PD Chartres. Reference: EnvrcrtCH

Yours faithfully



Peter Donald Chartres
Farmer/Owner: Te Anau Downs Station

Copy to:

Chief Executive
Environment Southland
Private Bag 90116
INVERCARGILL 9840
By email: policy@es.govt.nz

Rex Chapman
Cruickshank Pryde
PO Box 857
INVERCARGILL 9840
By email: rex.chapman@cplaw.co.nz

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV – 2018-CHC-

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14 (1), First Schedule of the Act in relation to the Proposed Southland Regional Water and Land Plan Decisions

BETWEEN **PETER DONALD CHARTRES,
TE ANAU DOWNS STATION**

Appellant

AND **SOUTHLAND REGIONAL COUNCIL**

Respondent

Yours faithfully

NOTICE OF APPEAL AGAINST A DECISION ON PROPOSED SOUTHLAND WATER AND LAND PLAN

Dated 17 May 2018

Presented for filing by:
Peter Donald Chartres
Te Anau Downs Station
Private Bag 50050
Te Anau
Email: chartrespeter@gmail.com

Chief Executive
Environment Southland
Private Bag 90118
INVERCARGILL 9840
By email: policy@ec.govt.nz
Rex Chapman
Crutchbank Private
PO Box 857
INVERCARGILL 9840
By email: rex.chapman@cpnw.co.nz

TO: The Registrar
Environment Court
Auckland, Wellington, and Christchurch

1. I, **Peter Donald Chartres of Te Anau Downs Station (“Appellant”)**, appeal against decisions of the Southland Regional Council (“**Respondent**”) on its Proposed Southland Regional Water and Land Plan (“**Proposed SWLP**”).
2. I made a submission on that plan.
3. I am not a trade competitor for the purposes of [section 308D](#) of the Resource Management Act 1991.
4. I received notice of the decision on 4 April 2018 and understand that the appeal period closes 17 May 2018.
5. The decisions were made by the Respondent.
6. The decision appealed, reasons for the appeal and relief sought are set out below.

Decisions appealed

7. Rule 20 (a)(iii)(1) and (e) – Intensive Winter Grazing

The decision relating to Rule 23¹ as provided in Appendix A – Decisions on Submissions, rejects our submission on this rule in which we sought to have unreasonable restrictions on intensive winter grazing removed.

Rule 20 of the Decision Version of the Proposed WLP states:

(a) (iii) where the farming activity includes intensive winter grazing on the landholding, the following conditions are met:

(1) From 1 May 2019, intensive winter grazing does not occur on more than 15% of the area of the landholding or 100 hectares, whichever is the lesser; and

(e) The use of land for a farming activity that is not specified as a permitted, restricted discretionary or prohibited activity under Rule 20 (d) is a discretionary activity.

¹ Rule 23 of the proposed Southland Water and Land Plan (June 2016) has been merged with Rule 20 of the Decision Version of the proposed SWLP (April 2018).

8. Rule 70 (b) and (e) – Stock exclusion from water bodies and Appendix A – Regionally Significant Wetlands

The decision relating to Rule 70 as provided in Appendix A – Decisions on Submissions, rejects our submission on this rule in which we sought permission to continue extensive grazing of water bodies by beef cattle.

Rule 70 of the Decision Version of the Proposed WLP states:

- (b) *From 1 July 2020, the disturbance of the bed of a Regionally Significant Wetland or Sensitive Water Body listed in Appendix A by stock including cattle, deer, pigs or sheep is a prohibited activity.*
- (e) *Other than as provided for by Rules 70(c) and 70(d), the disturbance of the bed of a lake, river (excluding ephemeral rivers where stock access is permitted under Rule 20 (aa)), modified watercourse or natural wetland by cattle, deer or pigs is a permitted activity prior to the dates set out in Table 1 for the land having listed land slopes after which time it is respectively a discretionary activity on that land.*

Table 1: Timetable for stock exclusion from water bodies (only the section relevant to the Appellant is included here)

Farm/stock type	Land slope (as classified by the LRI slope dataset)		
	Plains (0 - 3°)	Undulating/rolling land (>3-15°)	Steeper land (>15° and over)
Beef cattle and deer	<i>All water bodies from 1 July 2025</i>	<i>All water bodies over 1 metre wide from 1 July 2030, unless the average stocking rate on the land directly adjacent to the water body is less than 6 stock units per hectare.</i>	
	<i>All water bodies where break feeding occurs from 1 July 2022.</i>		

Appendix A Regionally Significant Wetland or Sensitive Water Body identifies three wetland areas on Te Anau Downs Station (Bog Lake and Adjacent Wetland, Retford Stream Wetland and Te Anau Downs Wetland).

Reasons

9. Rule 20 (a)(iii)(1) and (e) – Intensive Winter Grazing

The 100 hectare cap included in Rule 20 (a)(iii)(1) unfairly and unreasonably restricts intensive winter grazing on large and developing landholdings such as Te Anau Downs Station which is already operating at this cap limit.

Te Anau Downs Station is an 8,855 ha property which is still largely underdeveloped, grazed extensively and does not have water quality problems. The implementation of a cap of 100 hectares would mean less than 2% of the landholding can be utilised for intensive winter

grazing per year, whereas other, smaller and more intensively farmed landholdings are permitted to cultivate up to 15% of their landholding for intensive winter grazing. This is inequitable and creates great uncertainty for future farm development and the ability to improve farm productivity. It will also place an unnecessary cost and administrative burden on our operation.

The rule will unreasonably restrict farm development and productivity improvements on large, extensively farmed properties which are not the source of the water quality problems.

10. Rule 70 (b) and (e) – Stock exclusion from water bodies and Appendix A – Regionally Significant Wetlands

The cost of compliance with Rule 70 (b) and (e) will significantly and disproportionately outweigh any possible benefit arising from stock exclusion from these water bodies. Rivers traversing Te Anau Downs Station are gravel bed rivers with low risk of pugging. My cattle are grazed extensively at a very low stocking rate and there are consequently no water quality concerns on Te Anau Downs Station.

As the landowner of Te Anau Downs Station, I have never been consulted about the inclusion of the three wetlands on my property listed in Appendix A. I am unaware of the reasons for their inclusion and challenge the rationale for listing them in Appendix A. These wetlands have been grazed extensively since 1859 without detrimental impact. There is therefore no rationale for excluding stock from these areas and making this a prohibited activity.

The exclusion of beef cattle from Plains water bodies (0 - 3° slope) and Appendix A wetlands will impose significant costs for fencing and provision of alternative stock water which are unjustifiable.

The placement of fences along rivers and creeks to exclude beef cattle will be impractical in many areas on Te Anau Downs as rivers are dynamic and unstable and fences will be regularly damaged by floods.

The fencing required to exclude beef cattle from Plains waterbodies will result in a substantial loss of my cattle grazing areas which will have a detrimental economic impact on my operation without any form of compensation.

Exclusion of stock from these water bodies will increase the risk of weed infestation and fire.

I am voluntarily fencing wetlands and water bodies where practical and my efforts in this regard have been recognised and commended by the Southland Regional Council.

Relief sought

11. Rule 20 (a)(iii)(1) and (e) – Intensive Winter Grazing

Amend Rule 20 of the Decision Version of the Proposed WLP as follows:

(c) (iii) where the farming activity includes intensive winter grazing on the landholding, the following conditions are met:

(2) From 1 May 2019, intensive winter grazing does not occur on more than 15% of the area of the landholding ~~or 100 hectares, whichever is the lesser~~; and

12. Rule 70 (b) and (e) – Stock exclusion from water bodies and Appendix A – Regionally Significant Wetlands

Remove Bog Lake and Adjacent Wetland, Retford Stream Wetland and Te Anau Downs Wetland from Appendix A.

Amend Table 1 as follows:

Table 1: Timetable for stock exclusion from water bodies (only the section relevant to the Appellant is included here)

Farm/stock type	Land slope (as classified by the LRI slope dataset)		
	Plains (0 - 3°)	Undulating/rolling land (>3-15°)	Steeper land (>15° and over)
Beef cattle and deer	All water bodies from 1 July 2025 All water bodies over 1 metre wide from 1 July 2030, unless the average stocking rate on the land directly adjacent to the water body is less than 6 stock units per hectare.	All water bodies over 1 metre wide from 1 July 2030, unless the average stocking rate on the land directly adjacent to the water body is less than 6 stock units per hectare.	
	All water bodies where break feeding occurs from 1 July 2022.		

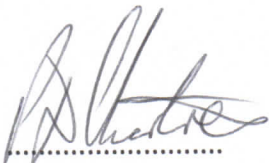
Further relief sought

13. In addition to the matters set out above, the Appellant seeks the following relief:
- (a) Any similar relief with like effect which addresses the Appellant's concerns;
 - (b) Any consequential amendments which arise from the Appellant's submission, the reasons for the appeal or the relief sought; and
 - (c) Such other relief as the Court considers appropriate.

Attachments

14. I attach the following documents to this notice:
- (a) **Annexure A** - A copy of my submission and Evidence presented to the Hearing Panel
 - (b) **Annexure B** – Relevant parts of the proposed Southland Water and Land Plan, Originally notified version 2016
 - (c) **Annexure C** – Relevant parts of the proposed Southland Water and Land Plan, Decision version 2018
 - (d) **Annexure D** – Relevant parts of the decision as provided in Appendix A – Decisions on Submissions
 - (e) **Annexure E** - List of names and addresses of persons to be served with this notice of appeal.

DATED this 17th day of May 2018



Signature of appellant

17-5-18

Date

Address for service of appellant:

Peter Chartres
Te Anau Downs Station
Private Bag 50050
Te Anau, 9640

Fax/email: chartrespeter@gmail.com

Contact person: Peter Chartres (Landowner of Te Anau Downs Station) and Frauke Münster (partner and administrator for the Appellant).

Further relief sought

13. In addition to the matters set out above, the Appellant seeks the following:
- (a) Any similar relief with like effect which addresses the Appellant's concerns.
 - (b) Any consequential amendments which are necessary to give effect to the relief sought.
 - (c) Such other relief as the Court considers appropriate.

Attachments

14. I attach the following documents to this notice:

- (a) Annexure A - A copy of my submission and evidence presented to the Hearing Panel
- (b) Annexure B - Relevant parts of the proposed Southland Water and Land Plan, Originally notified version 2016
- (c) Annexure C - Relevant parts of the proposed Southland Water and Land Plan, Decision version 2018
- (d) Annexure D - Relevant parts of the decision as provided in Appendix A - Decisions on Submissions
- (e) Annexure E - List of names and addresses of persons to be served with this notice of appeal.

DATED this 17th day of May 2018


Signature of appellant


Date

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.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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 and 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 Christchurch.

Annexure A

Submission and Evidence presented to Hearing Panel

Submission on proposed Southland Water and Land Plan

Email your completed submission to policy@es.govt.nz by 5.00pm Monday 1st August 2016

Alternatively, you can post your signed submission to:
Southland Water and Land Plan
Environment Southland
Private Bag 90116
Invercargill 9840

You can also deliver your submission to Environment Southland's North Road office or fax it on 03 211 5252.

Full Name: Peter Donald Chartres Phone (Hm): _____
 Organisation*: _____ Phone (Wk): _____
 * the organisation that this submission is made on behalf of
 Postal Address: Te Anau Downs Station, Private Bag 50050, Te Anau Phone (Cell): 0273928610
 _____ Postcode: _____
 Email: pdchartres@farmside.co.nz Fax: _____

Contact name and postal address for service of person making submission (if different from above):

Public hearing

Please choose one of the following options:

- I do not wish to be heard in support of my submission; or
 I do wish to be heard in support of my submission; and if so,
 I would be prepared to consider presenting my submission in a joint case with others making a similar submission at any hearing

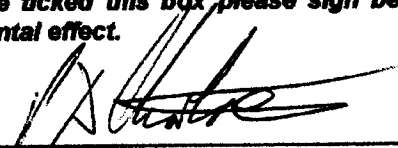
Trade Competition

If you could gain an advantage in trade competition, your submission must only include matters which affect the environment.

Please tick the sentence that applies to you:

- I could not gain an advantage in trade competition through this submission; or
 I could gain an advantage in trade competition through this submission.

If you have ticked this box please sign below to declare that you are directly impacted by an adverse environmental effect.

Signature:  Date: 19/07/16
 (Signature of person making submission or person authorised to sign on behalf of person making the submission)

Please note:

(1) all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information.

The specific provisions my submission relates to are:	My submission is that:	The decision I would like Environment Southland to make is:
<p>Intensive winter grazing</p> <p>Rule 23 (b)(iii) (iv), (c), (d) and (e)</p>	<p>Strongly Oppose</p> <p>We are opposed to blanket rules and requirements which adopt a one-size-fits-all approach to water quality issues. Water quality management measures should be appropriate and target problem areas.</p> <p>Te Anau Downs Station is an 8,855 ha extensive sheep and beef farming operation surrounded by conservation land. The farm carries approximately 16,000 stock units which equates to 1,8su/ha (sheep and cattle). The farm falls predominantly into the Bedrock/Hill Country physiographic zone but includes areas characterized as Oxidising, Riverine, Peat Wetland and Gleyed Physiographic zones. The farm shares no rivers or waterways with other farmers.</p> <p>I am continuing to develop my land in order to improve productivity and have consequently been increasing my intensive winter grazing area annually. For 2016 I am utilising 75ha as intensive winter grazing area. This equates to less than 1% of the property.</p> <p>No intensive winter grazing is undertaken in or adjacent to peat wetlands. We abide by the 3m winter grazing rule. In the past Environment Southland staff have come to inspect our intensive winter grazing areas and to advise on good management practices. I therefore believe that my Intensive winter grazing operations have little impact on water quality.</p> <p>The limits set in order for intensive winter grazing to be a permitted activity are unreasonably restrictive for large and developing properties such as Te Anau Downs, where the area of intensive winter grazing makes up a very small percentage of the total</p>	<ol style="list-style-type: none"> (1) Delete unreasonable restrictions on winter grazing areas. (2) Retain 3m winter grazing rule. (3) Provide additional resources to the ES Land Sustainability team to continue the good work they are doing to engage with farmers directly. They are effectively promoting good practice through constructive engagement with landowners.

	<p>property. Purely because of the presence of peat wetlands on Te Anau Downs, my operations would fall under Rule 23 (e) and be classified a non-complying activity from 2018.</p> <p>I object to having to apply for resource consent in order to continue feeding my stock. In the event that a resource consent is not granted and I am limited to 20ha (or at best 50ha) intensive winter grazing this would have significant economic implications for Te Anau Downs as I would have to significantly reduce my stock numbers to comply.</p> <p>I believe the existing 3m winter grazing rule is sufficient protection of water quality and is, at times, difficult enough to implement, due to topography and terrain.</p>	
<p>Cultivation on sloping ground Rule 25</p>	<p>Amend</p> <p>There may be topographical circumstances which make it difficult to meet these set-backs 100% of the time. Farmers shouldn't be criminalized and penalized for being unable to comply if there are justifiable reasons for non-compliance.</p>	<p>(4) Amend wording to Rule 25 (a) as follows:</p> <p>"The use of land for cultivation is a permitted activity provided the following conditions are met <u>as far as practicable</u>:"</p>
<p>Dams and weirs Rule 60 (a)(ii)</p>	<p>Amend</p> <p>It is impractical to require all dam design and construction to be certified by a suitably qualified and experienced engineer and imposes unnecessary cost on the establishment of small dams.</p>	<p>(5) Delete Rule 60 (a)(ii)</p>

<p>Stock exclusion from waterbodies</p> <p>Rule 70 (vi) and (vii)</p>	<p>Strongly Oppose</p> <p>Te Anau Downs Station is an 8,855 ha extensive sheep and beef farming operation surrounded by conservation land. Te Anau Downs shares no rivers or waterbodies with other farmers. There are numerous rivers, creeks and ditches on Te Anau Downs Station and for the past 157 years the farmers of Te Anau Downs have always relied on these waterbodies for stock water, without this causing any detrimental impact to the bed of these waterbodies or to the water quality. Where practical, I have voluntarily started to fence out wetlands and gullies at my own expense to exclude stock.</p> <p>In terms of Rule 70(vi) my cattle would be excluded from water bodies.</p> <p>I am strongly opposed to this rule for the following reasons:</p> <ol style="list-style-type: none"> (1) This rule will impose significant costs to me which are unjustifiable. Costs include the establishment and maintenance of more than 100 kilometers of new fences, as well as the provision of alternative stock water within paddocks. (2) The placement of fences along rivers and creeks is, in many areas, impractical as the rivers on Te Anau Downs are dynamic and unstable and fences will be damaged during floods on a regular basis. (3) The fencing required to exclude cattle from waterbodies will result in a substantial loss of my cattle grazing areas which will have a detrimental economic impact on my operation without any form of compensation. 	<p>(6) Delete Rule 70 (vi) and (vii).</p>
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	<p>(4) The benefits of grazing cattle within the flood plains of these rivers and creeks will be lost if cattle are to be excluded. These benefits include exotic grass and weed suppression and the associated reduction in fire risk. Exclusion of my stock from the Eglinton Valley has resulted in cocksfoot grass growing to head height. In summer this poses a real fire risk.</p> <p>(5) The cost of compliance will significantly and disproportionately out-weigh any possible benefit arising from stock exclusion from these waterbodies. My cattle are grazed extensively, at a very low stocking rate (0,7 su/ha), and there are consequently no water quality issues on Te Anau Downs Station.</p>	
<p>Grazing by stock in wetlands</p> <p>Rule 74 (c)</p>	<p>Strongly Oppose</p> <p>I am concerned with this rule as some cattle grazing areas on Te Anau Downs may fall within the broad definition of "wetland". Grazing in these areas is very light (i.e. extremely low stock numbers) and consequently impacts are minimal. However, enforcement of this rule would further reduce my cattle grazing area with resultant negative economic implications. Once again, the benefits that this rule aims to achieve do not outweigh the costs to landowners.</p>	<p>(7) Make provision for the continuation of light, low impact grazing by stock in wetlands.</p>

Evidence for Hearing: Proposed Southland Water and Land Plan

Submission by Peter Chartres

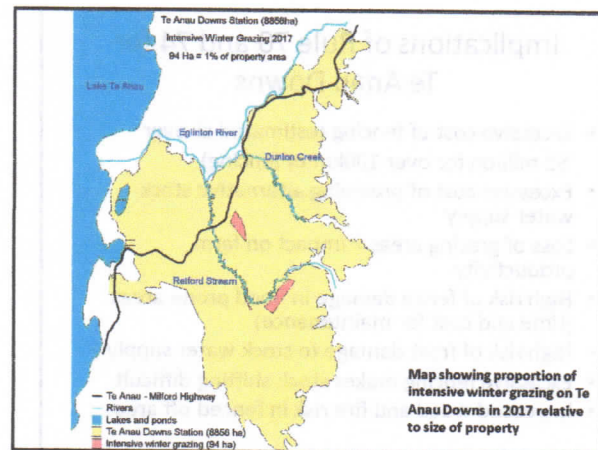
Properties: Te Anau Downs Station & 170H Milford Road

Intro to Te Anau Downs

- 8856 ha sheep, beef and forestry operation
- Area farmed since 1859
- Farmed by Chartres family since 1923 (4 generations)
- Farm development undertaken in an environmentally sensitive and sustainable manner.
- Voluntarily fencing off waterbodies, gullies and wetlands

Rule 23 – Intensive winter grazing

- 50 ha limit is unreasonable for large properties.
- IWG on Te Anau Downs in 2017 will be 94 ha on 8856 ha (i.e. 1 % of landholding)
- No stock related water quality issues on TAD
- For Te Anau Downs this rule imposes unnecessary costs, admin burden and farming uncertainty in the absence of negative impacts to water quality.



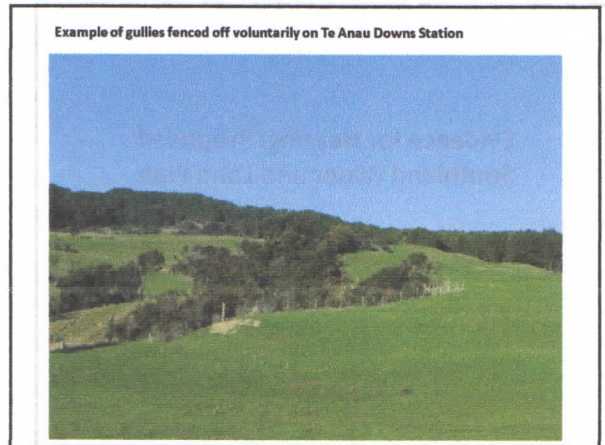
Rule 70 and 74 – Stock exclusion from waterbodies

Rule unreasonably restrictive, unnecessary and impractical where:

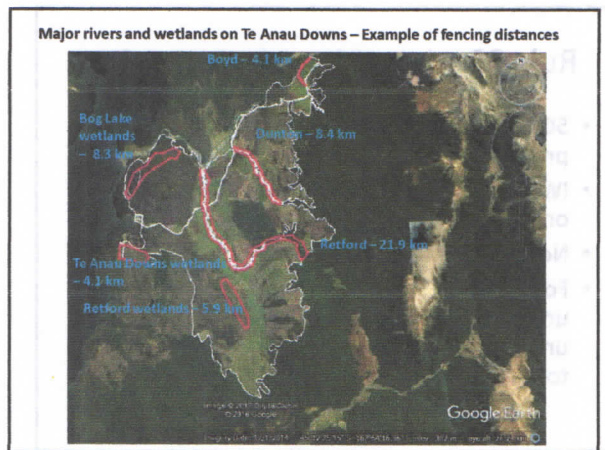
- Stocking rate for cattle and deer is low
- Grazing by cattle and deer is extensive
- Gravel bed rivers = low risk of pugging
- Effects of stock access to waterbodies is minimal (no water quality concerns, water testing done)
- Voluntary fencing of wetlands and waterbodies is underway where practical



Example of waterway fenced off voluntarily on Te Anau Downs Station



- ### Implications of Rule 70 and 74 for Te Anau Downs
- Excessive cost of fencing (estimated at over \$1 million for over 100km of fencing)
 - Excessive cost of providing alternative stock water supply
 - Loss of grazing areas = impact on farm productivity
 - High risk of fence damage in flood prone areas (time and cost for maintenance)
 - High risk of frost damage to stock water supply
 - Excessive fencing makes stock shifting difficult
 - Increased weed and fire risk in fenced off areas



Fencing calculation example

Minimum length of fencing required for stock exclusion from mapped waterbodies =

52.7 km x \$11/m = \$579 000

Cost excludes fencing of: Eglinton River, smaller creeks and streams, smaller wetlands, artificial watercourses (farm ditches)



Example of weed encroachment in fenced off waterway



Cost – Benefit of Rules 23, 70 & 74

- Rule 23, 70 and 74 impose significant cost and unreasonable constraints on Te Anau Downs to manage an issue in an area where actual water quality effects are negligible and therefore the anticipated benefits of the rules are minor.

Appendix A – Regionally significant wetlands and sensitive waterbodies

Oppose the inclusion of:

- Bog Lake (and associated wetlands)
- Te Anau Downs wetland
- Retford stream wetland

These wetland areas have been grazed extensively since 1859 without detrimental impact.

Te Anau Downs Station
Private Bag 50050
Te Anau, 9640
chartrespeter@gmail.com
19 September 2017

Southland Water and Land Plan
Environment Southland
Private Bag 90116
Invercargill, 9840
policy@es.govt.nz

Information requested by Hearing Panel for Southland Water and Land Plan

Herewith my response to the queries raised by the Hearing Panel:

(1) *Rule 70 – Stock exclusion from waterbodies and Appendix A – Regionally Significant Wetlands and Sensitive Waterbodies in Southland*

The following wetlands on Te Anau Downs Station have been included in Appendix 2 as Regionally Significant Wetlands and are therefore captured by Rule 70 (d):

- Bog Lake and associated wetlands
- Te Anau Downs wetlands
- Retford Stream wetland

The Bog Lake and associated wetland areas were most recently assessed by Richard Ewans (Eco-South) in a report prepared for the Department of Conservation in 2016¹. Environment Southland has received a copy of this report as part of DOC's Resource Consent application to the Southland District Council to establish a fenceline along the boundary of Te Anau Downs Station and Fiordland National Park.

It is relevant to our submission to point out that any ecological values and significance attached to the wetlands assessed in the Eco-South report exist despite cattle having had access to these wetlands through extensive grazing since 1859. With respect to Rule 70 (d) the Eco-South report proves that wetlands can coexist with extensive stock grazing on private land without these wetland areas needing to be fenced off.

¹ Ewans, R. 2016. Assessment of the vegetation values along a proposed fenceline boundary between Fiordland National Park and Te Anau Downs Station, Southland. Eco-South report prepared for the Department of Conservation, Fiordland District.

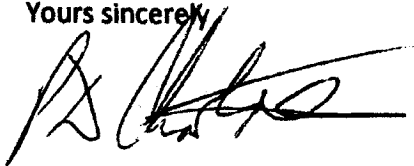
There is therefore no rationale for fencing off these wetland areas (or other waterbodies captured by Rule 70). The anticipated benefits of Rule 70 and 74 do not justify the excessive cost and impracticality of fencing for large, extensively grazed properties like Te Anau Downs.

I therefore remain strongly opposed to the exclusion of extensively grazed stock from waterbodies, including regionally significant wetlands for the reasons stated above and in my original proposal.

(2) Rule 74 – Wetlands

We accept the proposed amendment to Rule 74 (c) as shown in the Hearing Report (April 2017) although this does not change our objection to Rule 70.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Chartres', written over a horizontal line.

Peter Chartres
Te Anau Downs Station

Annexure B

Relevant parts of the proposed Southland Water and Land Plan, Originally notified version 2016

Land Use Rules

Rule 20 – Farming

- (a) The use of land for a farming activity on a landholding that is less than 20 hectares is a permitted activity.
- (b) Until 30 May 2018, the use of land for a farming activity in the Oxidising, Riverine or Peat Wetlands Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity.
- (c) Until 30 May 2019, the use of land for a farming activity in the Central Plains, Bedrock/Hill Country or Gleyed Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity.
- (d) Until 30 May 2020, the use of land for a farming activity in the Old Maitava or Lignite-Marine Terraces Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity.
- (e) Despite any other rule, from 30 May 2018 the use of land for the farming of sheep, deer or beef on a landholding that is between 20 hectares and 100 hectares in area is a permitted activity, provided the following condition is met:
 - (i) a Management Plan is prepared and implemented in accordance with Appendix N, but excluding part 4 (Nutrient Budget), which includes mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the property on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.
- (f) From 30 May 2018, the use of land for a farming activity in the Oxidising, Riverine or Peat Wetlands Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity, provided the following condition is met:
 - (i) a Management Plan is prepared and implemented in accordance with Appendix N, including mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the property on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.
- (g) From 30 May 2019, the use of land for a farming activity in the Central Plains, Bedrock/Hill Country or Gleyed Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity, provided the following condition is met:
 - (i) a Management Plan is prepared and implemented in accordance with Appendix N, including mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the property on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.
- (h) From 30 May 2020, the use of land for a farming activity in the Old Maitava or Lignite-Marine Terraces Physiographic Zones, other than dairy farming of cows or intensive winter grazing, is a permitted activity, provided the following condition is met:
 - (i) a Management Plan is prepared and implemented in accordance with Appendix N, including mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the

farming activity and the property on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.

- (i) From 30 May 2018, the use of land for a farming activity in the Oxidising, Riverine or Peat Wetlands Physiographic Zones, other than dairy farming of cows or intensive winter grazing, that does not comply with the condition of Rule 20(e) or Rule 20(f) is a discretionary activity.
- (j) From 30 May 2019, the use of land for a farming activity in the Central Plains, Bedrock/Hill Country or Gleyed Physiographic Zones, other than dairy farming of cows or intensive winter grazing, that does not comply with the condition of Rule 20(g) is a discretionary activity.
- (k) From 30 May 2020, the use of land for a farming activity in the Old Maitava or Lignite-Marine Terraces Physiographic Zones, other than dairy farming of cows or intensive winter grazing, that does not comply with the condition of Rule 20(h) is a discretionary activity.

Rule 21 – Existing dairy farming of cows

The use of land for dairy farming of cows that existed as at 30 May 2016 is a permitted activity, provided the following conditions are met:

- (a) the dairy platform has a discharge consent for agricultural effluent that specifies a maximum number of cows; and
- (b) there is no increase in the number of cows, beyond that specified in Rule 21(a); and
- (c) a Management Plan is prepared and implemented in accordance with Appendix N, including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the landholding on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants; and
- (d) the activity does not occur in the Alpine physiographic zone.

Rule 22 – New or expanded dairy farming of cows

- (a) The use of land for dairy farming of cows that did not exist as at 30 May 2016 or does not comply with Rule 21(a) or 21(b) in the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains, or Lignite-Marine Terraces physiographic zones, is a discretionary activity, provided the following condition is met:
 - (i) a Management Plan is prepared and implemented in accordance with Appendix N including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the landholding on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants.
- (b) The use of land for dairy farming of cows that did not exist as at 30 May 2016 or does not comply with Rule 21(a) or 21(b) in the Old Maitava, or Peat Wetlands physiographic zones is a non-complying activity.

Rule 23 – Intensive winter grazing

- (a) Until 30 May 2018, the use of land for intensive winter grazing is a permitted activity.
- (b) From 30 May 2018, the use of land for intensive winter grazing is a permitted activity, provided the following conditions are met:
- (i) a Management Plan is prepared and implemented in accordance with Appendix N, including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland upon request, or the farming activity and the landholding on which the activity is undertaken is listed on the Environment Southland Register of Independently Audited Self-Management Participants;
 - (ii) no intensive winter grazing is undertaken in the Alpine physiographic zone;
 - (iii) not more than 20 hectares of intensive winter grazing is undertaken on a landholding within the Old Maitaura, or Peat Wetlands physiographic zones;
 - (iv) not more than 50 hectares of intensive winter grazing is undertaken on a landholding within the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains, or Lignite-Marine Terraces physiographic zones;
 - (v) the area of land used for intensive winter grazing is recorded for each year and provided to Environment Southland on request;
 - (vi) the location of any sub-surface drains within the area of land used for intensive winter grazing, and their outlet position and relative depth, is mapped and provided to Environment Southland upon request;
 - (vii) a vegetated strip is maintained, and stock excluded from, the outer edge of the bed of any river, wetland, modified watercourse or artificial watercourse for a distance of:
 - (1) 3 metres from the outer edge of the bed on land with a slope³ of less than 4 degrees; and
 - (2) 10 metres from the outer edge of the bed on land with a slope between 4 and 16 degrees; and
 - (3) 20 metres from the outer edge of the bed on land with a slope of greater than 16 degrees; and
 - (viii) the winter grazing does not occur within 100 m of the outer edge of the bed of any lake or the Coastal Marine Area;
 - (ix) overland flow of run-off water does not cause a conspicuous discolouration or sedimentation of any adjacent waterbody.
- (c) From 30 May 2018, the use of more than 20 hectares of a landholding for intensive winter grazing in the Old Maitaura, or Peat Wetlands physiographic zones or 50 hectares in the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains or Lignite-Marine Terraces physiographic zone is a restricted discretionary activity, provided the following conditions are met:
- (i) the area of land used on the landholding for intensive winter grazing has not increased beyond the area of land used, averaged over the previous three years;
 - (ii) conditions (v) to (ix) of Rule 23(b) are met; and
 - (iii) a Management Plan has been prepared in accordance with Appendix N;

Environment Southland will restrict the exercise of its discretion to the following matters:

1. the quality of, compliance with and auditing of the Management Plan;

³ Slope in Rule 23 is the average slope from the outer edge of the bed to a point 20 metres from the outer edge of the bed.

2. the proposed management practices to minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;
3. the quantum of and timing of any reductions in the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;
4. the potential benefits of the activity to the applicant, the community and the environment;
5. the potential effects of the land use on surface and groundwater quality and sources of drinking-water.

An application for resource consent under Rule 23(c) will be processed and considered without public or limited notification unless the applicant requests notification or Environment Southland considers special circumstances exist that warrant notification of the application.

- (d) From 30 May 2018, the use of land for intensive winter grazing in the Riverine, Gleyed, Bedrock/Hill Country, Oxidising, Central Plains, or Lignite-Marine Terraces physiographic zones that does not meet condition (i), or (v) to (ix) of Rule 23(b) or condition (i) to (iii) of Rule 23(c) is a discretionary activity.
- (e) From 30 May 2018, the use of land for intensive winter grazing in the Old Maitaura or Peat Wetlands physiographic zones that does not meet conditions (i) to (iii) of Rule 23(c) is a non-complying activity.
- (f) From 30 May 2018 and despite any other rule, the use of land for intensive winter grazing within the Alpine physiographic zone is a prohibited activity.
- (g) Despite Rule 23(a) to (f) the use of land for intensive winter grazing is a restricted discretionary activity, provided the following conditions are met:
 - (i) the activity occurs on those parcels of land wholly contained with Computer Freehold Registers SL134/119, 307310, 307311, SL198/159, and SL151/191; and Lot 5 DP 376415 as contained in Computer Freehold Register 307305, and Lots 6 and 7 DP 376415 and Part Lot 8 DP 376415 as contained in Computer Freehold Register 307307;
 - (ii) the primary purpose of the activity is to contribute to publicly available research on the mitigation of environmental effects of dairy farming or wintering;
 - (iii) a Management Plan is prepared and implemented in accordance with Appendix N including the mitigations relevant to the farming type being undertaken and relevant physiographic zone, and provided to Environment Southland.

Environment Southland will restrict the exercise of its discretion to the following matters:

1. the quality of and compliance with and auditing of the Management Plan;
2. the proposed research to be undertaken and associated environmental effects, including methods and timing of publication.
3. monitoring and reporting
4. the proposed management practices to minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land;
5. the potential benefits of the activity to the community and the environment.

Bed disturbance activities in river and lake beds

Rule 70 – Stock exclusion from waterbodies

- (a) The disturbance of the bed of a lake, river, natural wetland, artificial watercourse or modified watercourse by stock and associated discharge through access by stock is a permitted activity provided the following conditions are met:
- (i) there is no discharge that gives rise to any conspicuous change in the colour or visual clarity in the receiving water;
 - (ii) there is no significant de-vegetation of the bed and banks, pugging, or alteration to the profile of the bed and banks, other than at fords or stock crossings;
 - (iii) there is no access by stock to roosting and nesting areas of the black fronted tern, black billed gull, and banded and black fronted dotterel;
 - (iv) there is no access by stock to the area of tidally influenced river and adjacent riparian habitat;
 - (v) where a dedicated stock crossing point or ford is used, condition (ii) above may be disregarded, provided the crossing point is not more than 20 metres wide and aligns with a constructed track or raceway on either side of the crossing point;
 - (vi) despite (i) to (v), stock (excluding sheep and deer) are to be excluded from 1 May 2018 from: all rivers, natural wetlands, artificial watercourses, modified watercourses and lakes in the Peat Wetlands, Lignite-Marine Terraces, Gleyed, Oxidising, Old Mataura, Central Plains, and Riverine physiographic zones; and in the Bedrock/Hill Country physiographic zone, from all rivers, natural wetlands, artificial watercourses, modified watercourses and lakes where the land, when measured over a width of 20 metres from the waterbody, has a slope of less than 16 degrees⁹.
 - (vii) despite (i) to (v), deer are to be excluded from 1 May 2020 from: rivers, natural wetlands, artificial watercourses, modified watercourses and lakes in the Peat Wetlands, Lignite-Marine Terraces, Gleyed, Oxidising, Old Mataura, Central Plains, and Riverine physiographic zones; and in the Bedrock/Hill Country physiographic zone from all rivers, natural wetlands, artificial watercourses, modified watercourses and lakes where the land, when measured over a width of 20 metres from the waterbody, has a slope of less than 16 degrees.
- (b) The disturbance of the bed of a lake, river, natural wetland, artificial watercourse or modified watercourse by stock and associated discharge through access by stock, that does not meet one or more of conditions (vi) and (vii) of Rule 70(a) is a discretionary activity provided the following conditions are met:
- (i) a Riparian Management Plan has been prepared in accordance with Appendix N that shows how the stock exclusion required by conditions (vi) and (vii) of Rule 70(a) will be achieved by 1 January 2025 and is implemented.
- (c) The disturbance of the bed of a lake, river, natural wetland, artificial watercourse or modified watercourse and associated discharge through access by stock that does not comply with conditions (i)-(v) of Rule 70(a) or Rule 70(b) is a non-complying activity.

Rule 71 – Channel realignment, widening or deepening

The excavation or disturbance of the bed of any river, modified watercourse, or lake for the purpose of realigning, widening or deepening any channel within the bed is a discretionary activity.

⁹ Slope in Rule 70 is the average of the slope from the outer edge of the bed to a point 20 metres from the edge of the bed.

3. any effects on infrastructure, flood risk, river morphology and dynamics (including erosion or deposition), aquatic and riverine ecosystems and habitat, taonga species, historic heritage and the spiritual and cultural values and beliefs of the tangata whenua.
- (c) The excavation or disturbance of the bed of any river, modified watercourse, stream or lake for the purpose of extracting gravel that cannot meet the conditions in Rules 73(a) or 73(b) and is a discretionary activity.

Rule 74 – Wetlands

- (a) The use of land for the modification of a wetland for the purposes of maintaining and enhancing the wetland, or maintaining and enhancing pedestrian access to the wetland (including the construction, maintenance or upgrading of structures), is a permitted activity provided the following conditions are met:
- (i) the modification does not result in any destruction or removal of any indigenous vegetation unless that vegetation was planted;
 - (ii) the modification does not result in any reduction in the size of the wetland;
 - (iii) the modification does not result in any flooding or ponding on any land owned or occupied by another person; or
 - (iv) the modification does not result in any establishment of pest plant species that:
 - (1) is listed in the Regional Pest Management Strategy for Southland 2013;
 - (2) may damage existing biodiversity values of the wetland; or
 - (3) will form the dominant vegetation type in the wetland.
- (b) The use of land for the modification of a wetland for the purposes of maintaining or enhancing the wetland, or maintaining or enhancing pedestrian access to the wetland that does not comply with the conditions of Rule 74(1) is a discretionary activity.
- (c) The use of land for the modification of a wetland, including through the grazing by stock or drainage, that is not provided for as a permitted activity or a discretionary activity is a non-complying activity.

Rule 75 – Vegetation flood debris¹⁰ removal

- (a) The removal of vegetation flood debris obstructing water flow from any river, modified watercourse, or lake bed and any associated bed disturbance and discharge resulting from the carrying out of the activity, is a permitted activity provided the following conditions are met:
- (i) the removal of the material is for the purpose of flood or erosion control or maintaining the integrity of infrastructure;
 - (ii) following the removal of material, the area of lake bed, modified watercourse or river which has been disturbed, shall be returned as near as practicable to its original channel shape, area, depth and gradient;
 - (iii) fish passage shall not be impeded as a result of the activity;
 - (iv) there shall be no bed disturbance of the roosting and nesting areas of the black fronted tern, black billed gull, and banded and black fronted dotterel;
 - (v) any activity in the water shall be kept to a minimum to avoid, as much as practicable, discolouration to the river or lake. Where any sediment release occurs, it will be only temporary;
 - (vi) no fuel storage or machinery refuelling shall occur on any area of the bed;

¹⁰ Refer to the Glossary for the definition of “Vegetation flood debris”.

Annexure C

**Relevant parts of the proposed Southland Water and Land Plan, Decision
version, 2018**

Land Use Rules

Rule 20 – Farming

- (aa) Unless stated otherwise by Rules 20, 25, 70 or any other rule in this Plan:
- (i) intensive winter grazing; or
 - (ii) cultivation; or
 - (iii) the disturbance by livestock including cattle, deer, pigs or sheep; in, on or over the bed of an ephemeral river is a permitted activity.
- (a) The use of land for a farming activity is a permitted activity provided the following conditions are met:
- (i) the landholding is less than 20 hectares in area; or
 - (ii) where the farming activity includes a dairy platform on the landholding, the following conditions are met:
 - (1) the dairy platform has a maximum of 20 cows; or
 - (2) the dairy platform had a dairy effluent discharge permit on 3 June 2016 that specified a maximum number of cows; and
 - (3) cow numbers have not increased beyond the maximum number specified in the dairy effluent discharge permit that existed on 3 June 2016; and
 - (4) from 1 May 2019, a Farm Environmental Management Plan for the landholding is prepared and implemented in accordance with Appendix N; and
 - (5) the landowner provides to the Southland Regional Council on request:
 - (A) a written record of the good management practices, including any newly instigated good management practices in the preceding 12 months, occurring on the landholding; and
 - (B) the Farm Environmental Management Plan prepared in accordance with Appendix N; and
 - (6) the land area of the dairy platform is no greater than at 3 June 2016; and
 - (7) no part of the dairy platform is at an altitude greater than 800 metres above mean sea level; and
 - (iii) where the farming activity includes intensive winter grazing on the landholding, the following conditions are met:
 - (1) from 1 May 2019, intensive winter grazing does not occur on more than 15% of the area of the landholding or 100 hectares, whichever is the lesser; and
 - (2) from 1 May 2019, a Farm Environmental Management Plan for the landholding is prepared and implemented in accordance with Appendix N; and
 - (3) from 1 May 2019, all of the following practices are implemented:
 - (A) if the area to be grazed is located on sloping ground, stock are progressively grazed (break-fed or block-fed) from the top of the slope to the bottom, or a 20 metre 'last-bite' strip is left at the base of the slope; and
 - (B) when the area is being break-fed or block-fed, the stock (excluding sheep and deer) are back fenced to prevent stock entering previously grazed areas; and
 - (C) transportable water trough(s) are provided in or near the area being grazed to prevent stock accessing a lake, river (excluding ephemeral rivers), artificial watercourse, modified watercourse or natural wetland for drinking water; and
 - (D) if supplementary feed (including baleage, straw or hay) is used in the area being grazed it is placed in portable feeders; and

- (E) if cattle or deer are being grazed the mob size being grazed is no more than 120 cattle or 250 deer; and
 - (F) critical source areas (including swales) within the area being grazed that accumulate runoff from adjacent flats and slopes are grazed last; and
 - (4) from 1 May 2019, a vegetated strip is maintained in, and stock excluded from, the area between the outer edge of the bed of any lake, river (excluding ephemeral rivers where intensive winter grazing is permitted under Rule 20(aa)), artificial watercourse, modified watercourse or natural wetland for a distance of at least 5 metres; and
 - (5) from 1 May 2019, intensive winter grazing does not occur within 20 metres of the outer edge of the bed of any Regionally Significant Wetland or Sensitive Waterbodies listed in Appendix A, estuary or the coastal marine area; and
 - (6) no intensive winter grazing occurs at an altitude greater than 800 metres above mean sea level; and
 - (iv) for all other farming activities, from 1 May 2020 a Farm Environmental Management Plan is prepared and implemented in accordance with Appendix N.
- (b) The use of land for a farming activity that includes intensive winter grazing on the landholding and which meets all conditions of Rule 20(a) other than condition (iii)(3) is a permitted activity, provided that:
- (i) from 1 May 2019, a vegetated strip is maintained in, and stock excluded from, the area between the outer edge of the bed of any lake, river (excluding ephemeral rivers where intensive winter grazing is permitted under Rule 20(aa)), artificial watercourse, modified watercourse or natural wetland for a distance of at least 20 metres.
- (c) Despite any other rule in this Plan, the use of land for a dairy platform or intensive winter grazing at an altitude greater than 800 metres above mean sea level is a prohibited activity.
- (d) The use of land for a farming activity that meets all conditions of Rule 20(a) other than (ii), (iii)(1), (iii)(4) or (iii)(5) or does not meet condition (i) of Rule 20(b) is a restricted discretionary activity, provided the following conditions are met:
- (i) a Farm Environmental Management Plan is prepared and implemented in accordance with Appendix N; and
 - (ii) the application includes the following material, prepared by a suitably qualified person:
 - (1) an assessment that shows that the annual amount of nitrogen, phosphorus, sediment and microbiological contaminants discharged from the landholding will be no greater than that which was lawfully discharged annually on average for the five years prior to the application being made; and
 - (2) for any mitigation proposed, a detailed mitigation plan (taking into account contaminant loss pathways) that identifies the mitigation or actions to be undertaken including any physical works to be completed, their timing, operation and their potential effectiveness.

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

1. the quality of and compliance with the Farm Environmental Management Plan for the landholding;
2. whether the assessment undertaken under Rule 20(d)(ii) above takes into account reasonable and appropriate good management practices to minimise the losses of contaminants from the existing farming activity;
3. good management practices to be undertaken, including those to minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land, taking into account contaminant loss pathways;

4. the potential benefits of the activity to the applicant, the community and the environment;
 5. the potential effects of the farming activity on surface and groundwater quality and sources of drinking water;
 6. monitoring and reporting undertaken to assess the effectiveness of any mitigation implemented.
- (e) The use of land for a farming activity that is not specified as a permitted, restricted discretionary or prohibited activity under Rule 20(d) is a discretionary activity.

Rule 24 – Incidental discharges from farming

- (a) The discharge of nitrogen, phosphorus, sediment or microbial contaminants onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene section 15(1) of the RMA is a permitted activity, provided the following conditions are met:
- (i) the land use activity associated with the discharge is authorised under Rules 20, 25 or 70 of this Plan; and
 - (ii) any discharge of a contaminant resulting from any activity permitted by Rules 20, 25 or 70 is managed to ensure that after reasonable mixing it does not give rise to any of the following effects on receiving waters:
 - (1) any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; or
 - (2) any conspicuous change in the colour or visual clarity; or
 - (3) the rendering of fresh water unsuitable for consumption by farm animals; or
 - (4) any significant adverse effects on aquatic life.
- (b) the discharge of nitrogen, phosphorus, sediment and microbial contaminants onto or into land in circumstances that may result in a contaminant entering water that would otherwise contravene section 15(1) of the RMA and that does not meet one or more of the conditions of Rule 24(a) is a non-complying activity.

Rule 25 – Cultivation

- (a) The use of land for cultivation is a permitted activity provided the following conditions are met:
- (i) cultivation does not take place within the bed of a lake, river (excluding ephemeral rivers where cultivation is permitted under Rule 20(aa)), artificial watercourse, modified watercourse or natural wetland; and
 - (ii) cultivation does not take place within a distance of 5 metres from the outer edge of the bed of a lake, river (excluding ephemeral rivers where cultivation is permitted under Rule 20(aa)) artificial watercourse, modified watercourse or wetland and
 - (iii) cultivation does not occur at an altitude greater than 800 metres above mean sea level; and
 - (iv) cultivation does not occur on land with a slope greater than 20 degrees.⁷
- (b) The use of land for cultivation that does not meet the setback distance of Rule 25(a)(ii) is a permitted activity provided the following conditions are met:
- (i) cultivation does not take place within the bed of a lake, river (excluding ephemeral rivers where cultivation is permitted under Rule 20(aa)), artificial watercourse, modified

⁷Slope in Rule 25(a)(iv) is the average slope over any 20 metre distance.

Bed disturbance activities in river and lake beds

* Rule 70 – Stock exclusion from waterbodies

- (a) From 1 July 2020, the disturbance of roosting and nesting areas of the black fronted tern, black billed gull, banded dotterel or black fronted dotterel located in the bed of a lake, river (including an ephemeral river), modified watercourse, or natural wetland by stock including cattle, deer, pigs or sheep is a prohibited activity.
- (b) From 1 July 2020, the disturbance of the bed of a Regionally Significant Wetland or Sensitive Water Body listed in Appendix A by stock including cattle, deer, pigs or sheep is a prohibited activity.
- (c) The disturbance of the bed of a river (excluding ephemeral rivers where stock access is permitted under Rule 20(aa)) or modified watercourse for the purposes of moving stock including cattle, deer, pigs or sheep (but excluding dairy cattle on a dairy platform or on land used for dairy support) is a permitted activity provided the stock are being supervised and are actively driven across the water body in one continuous movement.
- (d) Bed disturbance activities that do not comply with Rule 70(c) are a non-complying activity.
- (e) Other than as provided for by Rules 70(c) and 70(d), the disturbance of the bed of a lake, river (excluding ephemeral rivers where stock access is permitted under Rule 20(aa)), modified watercourse or natural wetland by cattle, deer or pigs is a permitted activity prior to the dates set out in Table 1 for the land having listed land slopes after which time it is respectively a discretionary activity on that land.

Table 1: Timetable for stock exclusion from water bodies

Farm/stock type	Land slope (as classified by the LRI slope dataset)		
	Plains (0-3°)	Undulating/rolling land (>3-15°)	Steeper land (>15° and over)
Dairy cattle (on dairy platforms) and pigs	All water bodies that are: <ul style="list-style-type: none"> over 1 metre wide from 1 July 2017 on all slopes less than 1 metre wide from 1 July 2020 on the plains and undulating/rolling land 		
Dairy support (on either land owned/leased by the dairy farmer or third party land)	All water bodies from 1 July 2022	All water bodies over 1 metre wide from 1 July 2022	All water bodies where break feeding occurs from 1 July 2022
Beef cattle and deer	All water bodies from 1 July 2025	All water bodies over 1 metre wide from 1 July 2030, unless the average stocking rate on the land directly adjacent to the water body is less than 6 stock units per hectare	
		All water bodies where break feeding occurs from 1 July 2022	

Rule 71 – Channel realignment, widening or deepening

- (a) Except as provided for elsewhere in this Plan, the excavation or disturbance of the bed of a lake, river or modified watercourse for the purpose of realigning, widening or deepening any channel within the bed is a discretionary activity.

Appendix A – Regionally Significant Wetlands and Sensitive Water Bodies in Southland

Locations of the wetlands and water bodies listed in this Appendix can be found in Map Series 7: Regionally Significant Wetlands and Sensitive Water Bodies.

Awarua Plain - Southland Estuaries including:

- Waituna Scientific Reserve
- Seaward Moss
- Wetlands adjoining Awarua Bay
- Wetlands adjoining Bluff Harbour
- Wetlands adjoining New River Estuary
- Fortrose Harbour (including lower Mataura River)

Balloon Loop Oxbow Lake

Bayswater Bog

Big Bay – Waiuna

Big Lagoon

Blue Bottle Peatland

* Bog Lake (and adjacent wetlands)

Borland Mire

Borland Saddle-Mt Burns

Braxton Burn Bog

Brydone West Tussockland

Campbells's Creek Wetlands

Castle Downs (Hamilton Burn)

Chocolate Swamp – Dean Forest

College Stream Swamp

Cross Road Swamp

Dale Bog Pine Wetland

Dawson City/Mt Prospect Wetlands

Deer Flat Wetland

Downs Road North Tussockland

Downs Road Tussockland

Drummond Peat Swamp (Isla Bank)

Dunearn Wetland

Ewe Burn Wetlands

Feldwick Wetlands

Ferry Road/Oreti Beach Lagoon

Fiordland National Park (World Heritage site) including:

Back Valley

Grebe Valley

Lower Hollyford

Sutherland Sound

Five Mile Swamp (wetland in ancient Lake Wakatipu lake outlet)

Freshwater Valley including:

Freshwater Flats

Ruggedy Flat

The following wetlands in the Garvie Mountains:

Blue Lake wetland

Gow Lake wetland

Scott Lake wetland

Glenary Station Alpine Wetlands

Grove Bush Peatlands

Haldane Estuary and reservoir

Henry Creek Wetland

Hindley Burn Wetland

Hokonui South-East Peatland

Jacobs River Estuary

Lake George

Lake Hauroko Wetland

Lake Mistletoe

Lake Murihiku

Lake Thomas & Wetland

Lake Vincent, near Fortrose

Lake Brunton, Otara

Lookout Hill Wetland

Lower Hodgkinson Road Peatland

Makarewa Peatland

Martins Bay Wetlands

Mavora Lakes (and associated wetlands)

Morley Stream Wetland

Mount Tennyson string bog

Old Man Swamp

Oreti Beach coastal turf/wetland

Oreti Beach Gravel Pits

Pebbly Hills Swamp

Pleasant Bay Wetland

Pukerau red tussock Scientific Reserve

Pyke Valley (including Lake Alabaster and Lake Wilmot)

Rainbow Reach Oxbow Lake

Rakehua Valley Wetlands

Ramparts Scenic Reserve

Redcliff Reserve

* Retford Stream Wetland

Sharp Ridge Wetland

So Big Swamp

Silver Lagoon

Sinclair Road Wetlands

Southdowns Swamp

Spurhead Swamp

Table Hill

Taramoa Peatland

Taylor Road Wetland

Te Anau Basin wetland complex including:

Kepler Mire

Dome Mire - Dismal Swamp

Dunton Swamp

Tekaro Wetland

Amoeboid Swamp

Kākāpō Swamp

Snowdon Forest

Dale Lake

Lake Luxmore

Lagoon Creek

* Te Anau Downs Wetland

Thornbury Peatland

Toetoes Flats

Toitoi Flat

Transit Valley Wetlands

Waiau River - Te Waewae Lagoon

Waiau Terrace Wetland

Waiau Valley/Borland Burn Wetlands

Waihopai River Rushland

Waikawa Estuary

Waimatuku Estuary

Waimatuku wetland

Waipapa Beach dune slack Wetlands

Wairaki Lagoon (Waiau River)

Wash Creek Wetland

Waterloo (Aparima)

Weydon Burn

Wrights Bush Peatland

Waiau River Lake Manapōuri to Mararoa Weir

Note: For wetlands, this appendix only identifies those which are of regional significance. There are also rules in this plan that manage activities in relation to all wetlands, not only those identified in this appendix.

Annexure D

Relevant parts of the decision as provided in Appendix A – Decisions on Submissions

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 70 – Stock exclusion from waterbodies

Sub ID & Sub Point	Recommendation	Reason
1.4	Reject	The submission is outside the scope of the pSWLP. See also Chapter 5 in the separate narrative forming part of this Report.
3.8, 5.15, 15.1, 19.7, 24.112, 25.34, 27.7, 31.11, 32.8, 40.12, 47.24, 49.5, 54.16, 56.7, 61.1, 62.13, 73.15, 79.9, 80.20, 81.24, 83.7, 89.36, 91.6, 93.7, 99.12, 101.13, 105.3, 107.6, 108.99, 115.2, 116.5, 118.11, 119.4, 133.11, 135.6, 150.6, 152.27, 153.4, 155.9, 156.13, 159.5, 164.4, 167.3, 170.2, 172.19, 173.7, 175.7, 179.8, 189.44, 191.12, 192.16, 194.6, 196.5, 198.7, 199.3, 200.7, 202.4, 203.4, 204.7, 205.32, 206.32, 209.44, 210.91, 212.4, 213.2, 214.17, 222.4, 233.29, 242.2, 247.21, 249.30, 250.8, 253.6, 254.4, 255.3, 258.21, 260.3, 263.2, 265.102, 277.55, 279.102, 280.2, 286.5, 290.4, 292.17, 293.4, 294.5, 295.5, 298.8, 299.20, 303.2, 310.4, 311.3, 316.5, 317.3, 323.4, 332.4, 334.6, 336.6, 338.2, 340.4, 341.11, 344.7, 345.7, 348.8, 355.13, 365.10, 375.5, 386.16, 389.8, 392.4, 402.19, 421.5, 429.6, 434.6, 438.8, 446.4, 450.6, 452.3, 453.5, 461.9, 462.2, 463.4, 464.29, 465.4, 468.2, 482.21, 483.20, 485.3, 488.4, 494.4, 502.12, 506.7, 507.12, 508.3, 511.4, 518.12, 521.6, 524.4, 536.14, 538.7, 547.13, 550.2, 551.3, 552.4, 553.11, 554.12, 555.15, 556.12, 557.11, 558.13, 561.4, 564.17, 567.2, 568.4, 570.19, 573.2, 578.6, 579.2, 583.27, 586.11, 587.3, 588.2, 590.16, 592.6, 600.2, 603.15, 604.12, 609.6, 610.2, 613.6, 616.9, 617.4, 621.5, 622.29, 623.6, 637.3, 642.7, 643.7, 645.7, 646.11, 650.5, 651.3, 655.11, 656.8, 659.5, 666.26, 674.2, 676.6, 681.22, 682.17, 684.5, 689.7, 692.10, 694.6, 695.6, 696.4, 700.6, 706.13, 708.6, 709.3, 710.9, 712.35, 713.1, 716.6, 718.12, 719.5, 732.6, 733.17, 737.30, 738.5, 739.4, 740.7, 744.4, 745.2, 748.10, 752.163, 759.25, 761.17, 762.9, 767.9, 769.4, 770.3, 771a.11, 775.7, 779.6,	Accept in part	<p>We have reviewed Rule 70 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 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. We are also cognisant of the fact that central Government has released draft stock exclusion regulations that, once finalised, would have the effect of an NES. The section 42A authors recommended a wide range of amendments to Rule 70 as notified that sought to align the provisions of the rule with the draft regulations. The amendments those authors recommended also addressed many of the issues of concern to submitters. The amendments we recommend are consequently largely consistent with the final version of Rule 70 as recommended to us by the section 42A authors, for the reasons that they suggest. However, see Chapters 13 and 17 of the separate narrative forming part of this Report which detail areas where we depart from the section 42A authors' recommendations. The final version of Rule 70 that we recommend is contained in the marked-up version of the Plan in Appendix B1 to this Report.</p>

Sub ID & Sub Point	Recommendation	Reason
781.2, 782.5, 786.8, 787.6, 790.12, 792.34, 795.4, 797.50, 799.12, 802.31, 807.7, 816.9, 824.7, 825.7, 827.8, 831.6, 837.3, 840.9, 841.1, 846.4, 851.4, 853.4, 854.5, 860.5, 861.28, 868.27, 869.9, 878.4, 880.70, 883.4, 886.1, 892.5, 894.4		
* 11.8, 71.3, 100.5, 102.7, 125.4, 136.4, 139.7, 425.7, 476.4, 484.4, 728.6, 767.10, 771.14, 847.3	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.
33.7, 67.5, 223.3, 257.5, 305.3, 391.5, 406.2, 424.6, 433.11, 444.6, 460.4, 467.7, 496.5, 500.2, 517.6, 559.4, 577.3, 607.2, 652.8, 665.2, 677.4, 678.8, 679.8, 690.7, 691.7, 711.16, 715.5, 777.12, 783.6, 817.25, 821.6, 832.130, 866.5, 893.6	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.
42.6, 84.6, 88.6, 158.7, 183.6, 184.6, 225.6, 243.6, 268.4, 291.6, 312.6, 407.6, 474.6, 492.6, 493.6, 503.6, 505.6, 527.6, 539.6, 548.6, 563.6, 571.6, 595.6, 630.6, 640.50, 693.8, 699.6, 714.6, 791.6, 796.6, 810.49, 812.6, 835.6, 836.6, 873.6, 867.6, 884.6, 890.6	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.
109.6, 633.2, 641.5, 734.3, 773.9	Reject	The submission is outside the scope of the pSWLP. See also Chapter 5 in the separate narrative forming part of this Report.

Rule 71 – Channel realignment, widening or deepening

Sub ID & Sub Point	Recommendation	Reason
10.3, 449.36, 698.5	Accept in part	We agree, including for the reasons set out in the in the submissions and the Section 42A Reports, that the provision should be amended and recommend accordingly.
89.37, 205.33, 206.33, 279.108, 523.14, 614.32, 752.164, 753.14, 802.32, 832.131	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.

Sub ID & Sub Point	Recommendation	Reason
13.7, 93.8, 154.5, 200.8, 204.8, 258.22, 265.103, 299.21, 397.4, 431.7, 482.22, 506.8, 645.8, 681.23, 689.8, 737.31, 741.6, 765.7, 775.8, 798.11, 861.29	Accept in part	Provisions in the pSWLP already adequately address these matters. Minor gravel extraction can occur provided a consent is obtained under Rule 73(a). We are not persuaded (including for the reasons set out by the section 42A authors) that making this activity a permitted activity would be a more effective and reasonably practicable option for achieving the objectives of the pSWLP, and for giving effect to the superior instruments.
88.7, 108.102, 207.8, 210.92, 249.31, 279.105, 523.16, 570.20, 622.30, 667.10, 753.16, 807.8, 817.26, 818.26, 819.24, 824.8, 825.8, 868.28	Reject	We adopt the recommendations and reasons set out in the section 42A Reports. 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. Furthermore, many of the amendments requested would unjustifiably weaken the pSWLP.
288.36, 449.37, 614.34, 752.166	Accept	We agree, including for the reasons set out in the in the submission and the Section 42A Reports, that the provision should be generally amended as sought and recommend accordingly.
314.10, 430.1, 544.4, 799.13	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.

* Rule 74 – Wetlands

Sub ID & Sub Point	Recommendation	Reason
24.113, 210.93, 749.76, 832.134	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.
101.14	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.
108.103	Accept in part	Provisions in the pSWLP already adequately address these matters. As Rule 74(b) is a discretionary matter, decision-makers have the flexibility to consider all relevant matters.
125.5, 265.104, 558.14, 752.167, 897.2	Reject	The amendments requested would unjustifiably weaken the pSWLP and reduce its effectiveness in achieving its objectives or giving effect to the superior instruments.

Sub ID & Sub Point	Recommendation	Reason
247.22	Accept	We agree, including for the reasons set out in the in the submission and the Section 42A Reports, that the provision should be amended and recommend accordingly.
279.106, 797.51	Reject	The requested amendment is uncertain and would be disproportionately onerous. It would foreclose reasonable activities associated with wetlands.
411.35, 457.2, 640.51, 737.32, 810.50, 877.67, 880.72	Accept in part	We agree, including for the reasons set out in the in the submissions and the Section 42A Reports, that the provision should be amended to more clearly distinguish between natural wetlands and constructed wetlands and recommend accordingly. We also consider that the intent of Rule 74(a) condition (1) should be clarified and recommend accordingly.

Rule 75 – Vegetation flood debris removal

Sub ID & Sub Point	Recommendation	Reason
89.40, 205.36, 206.36, 233.30, 258.23, 603.16, 802.35, 832.135, 868.29, 877.68, 880.73	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.
108.104, 614.35	Reject	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.
247.23	Accept	We agree, including for the reasons set out in the in the submission and the Section 42A Reports, that the provision should be amended as sought and recommend accordingly.
372.29	Reject	See Chapter 16 of the separate narrative forming part of this Report.
449.38	Accept	
752.168	Reject	We adopt the recommendations and reasons set out in the section 42A Reports.
795.5, 891.1	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.

Financial contributions

Sub ID & Sub Point	Recommendation	Reason
147.8, 191.13, 197.10, 247.26, 249.33, 277.56, 279.111, 288.37, 483.21, 622.32, 752.175, 814.9, 825.9	Accept in part	As the initial Section 42A Report noted (section 12), the notified provisions were simply rolled over from the RWP. The section 42A authors, in response to submissions, recommended a complete rewrite of this section of the pSWLP. We have reviewed their recommendation and accept it in its entirety (apart from deleting provisions relating to historic heritage – see Chapter 16 of the separate narrative forming part of this Report). Accordingly, some submission points have been recommended to be accepted and some rejected.

* **Appendix A**

Sub ID & Sub Point	Recommendation	Reason
108.109, 156.15, 210.97, 279.112, 437.24, 752.176, 797.53, 871.6	Accept in part	As noted in the initial Section 42A Report (commencing at section 11.80) the content of Appendix A was carried over from the RWP (and apparently from the preceding RPS). A number of submissions sought amendments and additions to the content of Appendix A. These were assessed by the section 42A authors, including in some cases through the carrying out of additional field work, and amendments to the notified version were recommended accordingly. We have reviewed the section 42A authors' recommendations in light of the submissions lodged and the evidence presented and are in general agreement with those recommendations. We also note that the section 42A authors recommended the inclusion of maps showing where the wetlands and sensitive water bodies listed in Appendix A are situated. We consider that to be a helpful improvement. Accordingly, some of these submission points on Appendix A have been accepted and some rejected.

Appendix B

Sub ID & Sub Point	Recommendation	Reason
279.113, 420.5, 752.177, 797.54	Accept	We agree, including for the reasons set out in the in the submissions and the Section 42A Reports, that the provision should be retained and recommend accordingly.

Annexure E

List of names and addresses of persons to be served with this notice of appeal

- As approximately 900 submissions were received on the proposed Southland Water and Land Plan, this annexure will be prepared following confirmation from Environment Court as to limits to the scope of this Annexure.

