

ENVIRONMENTAL & PUBLIC LAW BARRISTER

ENVIRONMENT
SOUTHLAND

17 MAY 2018

17 May 2018

Environment Southland
PB 90116
INVERCARGILL

Attn: Rob Phillips

Dear Rob,

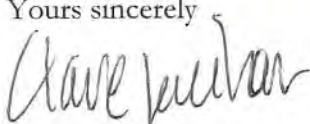
**SOUTHLAND REGIONAL COUNCIL PROPOSED WATER AND LAND PLAN:
APPEALS**

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



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 **ROBERT GRANT**
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
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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. I, Robert Alexander Grant, of Otamita Valley, Gore (the Appellant), appeal against parts of a decision of the Southland Regional Council on the Proposed Southland Water and Land Plan (pSWLP).
2. I made a submission on the pSWLP.
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.
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 I am 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 my submissions 332. 2¹ 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 Does not allow for crop failure or lower yields due to climatic/pest issues;
 - 8.4 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;
 - 8.5 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;
 - 8.6 Potentially devalues my (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 commended Decisions on Submissions 29 January 2018: page 92

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 my submission 332.3.2², requesting it allow a percentage of land over 20 degrees be cultivated as a permitted activity, instead it

² Recommended Decisions on Submissions 29 January 2018: page 95

13. The Council's decision to reject my submission 332.3.2², requesting it lift the slope to 30 degrees, instead requiring that cultivation not occur on land with a slope greater than 20 degrees³.

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 a percentage of land over 20 degrees can be cultivated.

(i) General

17. The Appellant 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.

² Recommended Decisions on Submissions 29 January 2018: page 95

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

18. I agree to participate in mediation or other alternative dispute resolution of the proceedings.
19. I attach the following documents to this notice:
- (a) a copy of my 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) 365 0905
Fax: (03) 962 4171

Appendix 'A'



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: Robert Alexander Grant Phone (Hm): _____
Organisation*: _____ Phone (Wk): 02 749 753 76
* the organisation that this submission is made on behalf of
Postal Address: 759 Manuiri, Manuiri Rd Phone (Cell): _____
Postcode: 9777
Email: boog@yhus.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: [Signature] Date: 24/7/16

(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

Continue on additional pages if necessary. You are not limited to the spaces provided.

<p>The specific provisions my submission relates to are: <i>(Specify provision number and title, e.g. Policy 17 – Effluent management)</i></p>	<p>My submission is that: <i>(Please include whether you support, oppose or wish to amend each separate provision you have listed in column 1 and the reasons for your views.)</i></p>	<p>The decision I would like Environment Southland to make is: <i>(Please give precise details of the outcomes you would like to see for each provision. The more specific you can be the easier it will be for the Council to understand the outcome you seek.)</i></p>
<p>EXAMPLE Appendix G</p>	<p>EXAMPLE <input type="checkbox"/> Support <input type="checkbox"/> Oppose <input checked="" type="checkbox"/> Amend Reasons:</p>	<p>EXAMPLE Popular bathing sites should include Makarewa River at Wallacetown.</p>
<p>Policy 18 Stock exclusion</p>	<p><input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose <input type="checkbox"/> Amend Reasons: Very high financial cost in fencing off all additional water courses in our hill country. The making of fence lines could be very hard to do in some areas.</p>	<p>should be just for intensive grazing in winter months</p>
<p>Rule 23 Intensive winter grazing</p>	<p><input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose <input type="checkbox"/> Amend Reasons: 50 or 20 ha is a very small amount of land to be able to grow crops on to wintering stock on (eg) we can grow 500ha + some years taking on no outside grazing</p>	<p>Should be a % of land for your own stock. If you graze outside stock the rule should apply</p>

<p>The specific provisions my submission relates to are: (Specify provision number and title, e.g. Policy 17 – Effluent management)</p>	<p>My submission is that: (Please include whether you support, oppose or wish to amend each separate provision you have listed in column 1 and the reasons for your views.)</p>	<p>The decision I would like Environment Southland to make is: (Please give precise details of the outcomes you would like to see for each provision. The more specific you can be the easier it will be for the Council to understand the outcome you seek.)</p>
<p>Rule 25 Cultivation on stormy ground.</p>	<p><input type="checkbox"/> Support <input checked="" type="checkbox"/> Oppose <input type="checkbox"/> Amend Reasons: Most of our cultivation takes place with some areas over 20 degrees but only a very small part. Would be a financial cost to our business if we were not to regress those areas.</p>	<p>2% of land that is over 20 degrees.</p>
	<p><input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> Amend Reasons:</p>	
	<p><input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> Amend Reasons:</p>	

Add further pages as required – please initial any additional pages.

Rule 20 – Farming

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 pSWLP. 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.

Appendix 'C'

Submitter name	Contact Name	Address for service	Email
A J & S R Currie Ltd	Andrew Currie	220 Chamberlain Road RD 2 Gore 9772	ascurrie@yrless.co.nz
A P & S M Verhaegh Ltd	Sue Verhaegh	1934 Riverton Wallacetown Highway RD 3 Riverton 9883	andyandsue@outlook.co.nz
ADAMS A J & P G	Pauline Adams	437 River Road RD 2 Gore 9772	p-adams@clear.net.nz
ADAMS Jules		1 Chartlea Park Road RD 1 Balfour 9779	jules.v.adams@gmail.com
AdBest Partnership	Jan Kingma	1654 Gorge Road Invercargill Highway RD5 Invercargill 9875	janmarten@kingma.co.nz
AFFLECK Christopher		192 Robertson Road RD 3 Gore 9773	afflecks@yrless.co.nz
Agribusiness Consultants Ltd	Deane Carson	PO Box 1739 Invercargill 9840	deane@agribusiness.co.nz
Agricentre South Ltd	Simon Frisby	PO Box 5213 Waikiwi	simon@agricentre.co.nz

Submitter name	Contact Name	Address for service	Email
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ALLAN Frazer & Karen		135 Glenurehill Road RD 1 Balfour 9779	frazer.karen@netspeed.net.nz
ALLAN Peter & Dianne		71 Ben-Callum Road RD 1 Dipton 9791	stags@xtra.co.nz
ALLEN R S & K F	Robert Allen	447 Collinson Road RD 6 Invercargill 9876	No email
Alliance Group Ltd	Claire Hunter	C/- Mitchell Partnerships PO Box 489 Dunedin 9054	claire.hunter@mitchellpartnerships.co.nz
Allison Family Farms Ltd	Bruce & Susan Allison	1369 Otautau Drummond Road RD 3 Otautau 9683	bruce.allison@xtra.co.nz
ANDERSON Robert		989 Pourakino Valley Road RD 3 Riverton 9883	rlanderson@farmside.co.nz

Submitter name	Contact Name	Address for service	Email
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Apolima Farms Ltd	Shaun Neeley	PO Box 676 Invercargill 9840	shaun@fortunagroup.net.nz
Aratiatia Livestock Ltd	Paul & Juanita Marshall	983 Lillburn Monowai Road RD 1 Tuatapere 9691	paul.marshall@farmside.co.nz
Ardel Dairies Ltd	Lyndon & Anthea Duff	458 Longridge Road RD 6 Gore 9776	landaduff@gmail.com
Ardoyne Farm Dairys	Ewen Mathieson	612 Ward Road RD 1 Riverton 9881	mathieson6@farmside.co.nz
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Aurum Farming Ltd	Chris Deroles	5 McKinnon Road RD 1 Winton 9781	c.t.deroles@xtra.co.nz
Austin Brothers		PO Box 48 Riversdale 9744	austinbros@xtra.co.nz

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B D Farm Trust	Leon Black	367 Mitchell Road RD 3 Riverton 9883	blackd@es.co.nz
BACON V M		811 Weir Road RD 1 Te Anau 9679	ginny_bacon@hotmail.com
BAIRD A J & L S	Allen Baird	166 Bixter Road RD 3 Lumsden 9793	No email
BAIRD J J	Jeremy Baird	8 Murphy Road RD 1 Balfour 9779	bairdy@live.com
BAIRD M G & R J	Murray & Ruby Baird	1332 Lumsden Riversdale Highway RD 1 Balfour 9779	bairdfamily1332@slingshot.co.nz
BAIRD N J & S A	Neil & Sharryl Baird	1403 Otama Valley Road RD 7	oatleyhill@yrless.co.nz

Submitter name	Contact Name	Address for service	Email
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Balfour, Wendonside & Waikaia Group	Blair Drysdale	137 Pringle Road RD 6 Gore 9776	drylands@farmside.co.nz
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BAVIN Jono		1 Pullar Road RD 6 Invercargill 9876	jonokelly@farmside.co.nz
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Best AG Ltd	Graham, Avril & Josh Best	26 Terrace Road RD 4 Gore 9774	gabest@maxnet.co.nz
Betapahu Farms Ltd	Shaun Neeley	PO Box 676 Invercargill 9840	shaun@fortunagroup.net.nz
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Glenaffric Partnership	Mark Heslip	387 Ben Callum Road RD 1 Dipton 9791	glenaffric@netspeed.net.nz
Glenaray Station (W Pinckney Ltd)	David Pinckney	Shands Road RD 6 Christchurch 7676	katepinckney@xtra.co.nz
Glenarlea Farms Ltd	Shaun Neeley	PO Box 676 Invercargill 9840	shaun@fortunagroup.net.nz
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Submitter name	Contact Name	Address for service	Email
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Norham Farm Ltd	Mark & Leanne Heaps	764 Old Coach Road RD 2 Ferndale Gore 9772	leanne.mark@velocitynet.co.nz
North Range Partnership	Ian Grant	199 Dunrobin Valley Road RD 2 Lumsden 9792	ailescastle@netspeed.net.nz
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PULLAR Logan Trust	Logan Pullar	643 Kakapo Road RD 2 Te Anau 9672	logan_alana@hotmail.com
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Riverfield farms Ltd	Peter & Paula Turner	Hamilton Burn RD 2 Lumsden 9792	riverfields@farmside.co.nz
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SMITH George & Kathryn		122 Mimihau School Road RD 2 Wyndham 9892	tamlet@ruralinzone.net
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WALLACE Bruce & Maree		307 Okapua Road RD 3 Gore 9773	bmwallace@yrless.co.nz
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