

16 May 2018

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

BY COURIER

H W Richardson Group Limited v Southland Regional Council – Appeal against a decision on proposed Southland Water and Land Plan

On behalf of the Appellant we enclose:

1. Notice of Appeal (in triplicate)
2. A cheque in the sum of \$511.11 in payment of the filing fee

Yours faithfully
CRUICKSHANK PRYDE



Rex Chapman
Partner

Email: rex.chapman@cplaw.co.nz

Copy to:

Chief Executive
Environment Southland
Private Bag 90116
INVERCARGILL 9840

H W Richardson Group Ltd
By email

RTC-043944-0-2-V1

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 H W RICHARDSON GROUP LIMITED

Appellant

AND SOUTHLAND REGIONAL COUNCIL

Respondent

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

Dated 16 May 2018

Presented for filing by:

Cruickshank Pryde

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Invercargill

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Solicitor Acting

R T Chapman

TO: The Registrar
Environment Court
Christchurch

1 **HW Richardson Group Limited ("Appellant")** appeals against decisions of the Southland Regional Council ("**Respondent**") on its Proposed Southland Regional Water and Land Plan ("**Proposed WLP**").

2 The Appellant made a submission on the Proposed WLP.

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

4 The Appellant received notice of the decisions on 4 April 2018 and understands that the appeal period closes 17 May 2018.

5 The decisions were made by the Respondent.

6 The decisions appealed, reasons for the appeal and relief sought are set out below.

Policy 29

7 The decision appealed is as follows:

(a) Policy 29 provides for the extraction of gravel, subject to ensuring the adverse effects of such activities on rivers are avoided, remedied or mitigated and also, subject to achieving other prescribed outcomes. The Appellant is concerned that the drafting of this policy could lead to uncertainty in the way that it is applied particularly in so far as it relates to the the avoidance of any adverse effects.

8. The decision version of Policy 29 is set out below:

Recognise the value of gravel and provide for its extraction to meet the social, economic and cultural needs of the community in a way that avoids, remedies or mitigates adverse effects on land, groundwater quality, rivers and their margins; and:

1. *for river based extractions, requires the restoration of aquatic and riparian habitat once the gravel extraction activity has ceased; and*
2. *results in no long-term net loss of habitat in the river channel, bed or floodplain; and*
- 2a. *ensures that the rate and volume of gravel extraction is sustainable; and*
3. *ensures no degradation of flood protection and erosion control infrastructure and the integrity of physical resources; and*
4. *does not adversely affect the Ngāi Tahu cultural values and interests associated with the land or river, including taonga species habitat, mahinga kai, mātaītai and taiāpure; and*
5. *results in no long-term adverse effects on recreational values; and*
6. *maintains public access (except in circumstances where public health and safety are at risk).*

Reasons

9 The reasons for the appeal are as follows:

- (a) The Appellant considers that Policy 29 is inconsistent with the Southland Regional Policy Statement Policy BRL.3.
- (b) The Appellant considers that the wording of Policy 29 could inadvertently result in gravel extraction activities having to be avoided when remediation or mitigation might also be appropriate outcomes. The list of prescribed outcomes in clauses 4 and 5 do not appear to provide for the remedying or mitigation of effects on cultural values or recreational values.

Relief Sought

10 The Appellant seeks that Policy 29 be amended as set out below:

Policy 29

Recognise the value of gravel and provide for its extraction to meet the social, economic and cultural needs of the community in a way that avoids, remedies or mitigates adverse effects on ~~land, groundwater quality, rivers and their margins;~~ and:

1. Land;
2. Rivers and their margins;
3. Ngāi Tahu cultural values associated with the river, including mahinga kai and taonga species habitat, mātaītai and taiāpure; and
4. adverse effects on recreational values;

and:

5. for river based extractions, requires the restoration of aquatic and riparian habitat (results in no long-term net loss of habitat in the river channel, bed or floodplain) once the gravel extraction activity has ceased; and
- ~~1. results in no long-term net loss of habitat in the river channel, bed or floodplain; and~~
- 2a6. ensures that the rate and volume of gravel extraction is sustainable; and
37. ensures no degradation of flood protection and erosion control infrastructure and the integrity of these physical resources; and
- ~~48. does not adversely affect the Ngāi Tahu cultural values and interests associated with the land or river, including taonga species habitat, mahinga kai, mātaītai and taiāpure; and~~
- ~~59. results in no long-term adverse effects on recreational values; and~~
610. maintains public access (except in circumstances where public health and safety are at risk).

Further Relief Sought

11 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

12 Copies of the following documents are attached to this appeal:

- (a) The Appellant's submission (**Annexure A**);
- (b) The relevant parts of the Respondent's decisions. The full decision can be accessed at <http://waterandland.es.govt.nz> (**Annexure B**); and
- (c) A list of the names and addresses of the persons to be served with a copy of this notice of appeal (**Annexure C**).

DATED this 16th day of May 2018



R T Chapman

Solicitor on behalf of the Appellant

Address for service of Appellant:

Mr Rex Chapman

Cruickshank Pryde

PO Box 857

Invercargill 9840

rex.chapman@cplaw.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, further submissions or 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 Christchurch.

**Annexure A
Submission**

FORM 5

**SUBMISSION ON THE PUBLICALLY NOTIFIED PROPOSAL FOR A WATER AND
LAND PLAN FOR SOUTHLAND PURSUANT TO CLAUSE SIX OF THE FIRST
SCHEDULE TO THE RESOURCE MANAGEMENT ACT 1991**

To: Southland Regional Council
Private Bag 90116
INVERCARGILL 9840

Attention: Planning Department

Name: H W Richardson Group (HWRG)

Address: C/- Mitchell Partnerships
P O Box 489
DUNEDIN 9054

1. **This is a submission on the following proposed plan:**
Proposed Southland Water and Land Plan ("**Proposed Plan**"), dated 3 June 2016.
2. **HWRG could not gain an advantage in trade competition through this submission.**
3. **The specific provisions of the Proposed Plan that HWRG's submission relates to:**
 - The objectives and policies that relate to land uses;
 - The rules that manage cleanfill activities; and
 - The definitions relating to 'cleanfill'.More specifically, those provisions listed in **Annexure A**.
4. **HWRGs submission is:**
HWRG's interest in the Proposed Plan:
The interests that have determined the approach of HWRG in preparing submissions on the Proposed Plan are as follows:
 - a) HWRG is owned and operated by the Richardson family. The Group's head office is located in Invercargill.
 - b) The business is founded on transport. The company has now extended its interests to include ready mix concrete, fuel and lubricant distribution,

aggregates, contracting, property and other investments in Otago and Southland. HWRG's business has the following main divisions:

- Transport;
- Concrete;
- Petroleum;
- Contracting; and
- Quarrying.

Transport Division

- c) Today, HWRG operates approximately 740 heavy trucks throughout New Zealand. HWRG covers all facets of transport including: stock, phosphate, freight, containers, bulk and specialised transport, tip trucks, waste management and handling, and logistic services.
- d) HWRG's Rural Transport sector includes Andrews Transport Ltd, Heenans Transport Ltd, Herberts Transport Ltd, Hokonui Rural Transport Ltd, Kapuka Transport Ltd, Ryal Bush Transport Ashburton Ltd, Ryal Bush Transport Ltd and Transport Services Southland Ltd. These businesses provide a wide range of rural transport services as well as digger and loader hire.
- e) HWRG's Bulk Transport sector includes Southern Transport Company Ltd, Bulk Distribution Ltd, and Cromwell Bulk Distribution Ltd, providing for a wide range of bulk cartage requirements.
- f) HWRG's Specialised Transport sector includes Enviro South Ltd, ATL Limited, Freight Haulage Ltd, Heavy Haulage Ltd, Purdue Bros Ltd and Southern Transport – Logging. Specialised Transport covers a range of environmental needs from emptying septic tanks, dairy effluent ponds and waste oil reservoirs, to taking care of dust suppression and delivering fresh water.

Concrete Division

- g) Allied Concrete is the concrete division of HWRG, operating over 45 plants throughout the country, as well as having eight mobile batching plants to service large projects in remote locations. Allied Concrete has developed strong relationships with suppliers such as Holcim New Zealand, Golden Bay Cement, Sika New Zealand, Peter Fell and Fulton Hogan who have national and international statuses. HWRG also provides products and materials via Allied Concrete Products in Dunedin, Mosgiel, Balclutha, Wanaka, Cromwell, Alexandra and Queenstown, which supplies various products to trade customers and the public including aggregates, coal, dry firewood and landscaping supplies.

Petroleum Division

- h) The Petroleum division of HWRG includes Allied Petroleum and Allied Lubricants. Allied Petroleum delivers a wide range of fuels and Mobil branded lubricants throughout New Zealand, specialising in bulk delivery to rural and commercial businesses. Allied Petroleum delivers to over 90 service stations, marine stops and fuel stops throughout the country. Allied Lubricants is a subsidiary of Allied Petroleum and an authorised distributor of Mobil oils and greases, specialising in excellent technical service in the industrial, commercial and passenger vehicle markets.

Contracting Division

- i) HWRG became involved in the contracting industry with the purchase of SouthRoads Ltd from the Southland District Council in 1996. The Contracting sector now includes Bond Contracts Ltd, Linton Contracting and SouthDrill Ltd, in addition to South Roads Ltd. It covers a range of operations including: road construction and maintenance, bridge building and site development works, bulk earthmoving and construction, water bore construction drilling and piling, environmental waste management, drainage system maintenance and construction. Clients include the New Zealand Transport Authority, local government authorities, the forestry sector, private and commercial developers.

Quarrying Division

- j) The Quarrying division of HWRG includes Fernhill Limeworks Ltd, Southern Aggregates Ltd and Rangitikei Aggregates Ltd. These companies have operations in Southland, Otago and Rangitikei, as well as mobile plants available for operation throughout New Zealand. The Fernhill Limeworks based in rural Southland produces organically certified lime.
- k) This submission has been prepared on behalf of HWRG and primarily seeks to protect the interests of HWRG's lawfully established business by submitting on the formation of provisions that may impact on its well established operations. HWRG seeks to ensure that the Proposed Plan is formulated in a way that enables optimal outcomes, including a thriving, but environmentally sustainable, community.

HWRG has reviewed the provisions within the Proposed Plan that are applicable to its activities.

HWRG's specific submission points and the reasons for these submissions is set out in **Table 1** which is attached as **Annexure A** to this submission and forms part of this submission.

In summary HWRG:

- a) Opposes, opposes in part, supports and supports in part the Proposed Plan as set out the specific relief sought in **Table 1** (refer **Annexure A**).
- b) The reasons for HWRG's opposition, opposition in part and support in part are that the Proposed Plan, as notified and in the absence of amendments (or similar amendments) in accordance with this submission:
 - (i) Will not promote the sustainable management of natural and physical resources, will not achieve the purpose of the RMA, and is otherwise contrary to Part 2 and other relevant provisions of the Act, particularly when having regard to the efficiency and effectiveness of the provisions relative to other means;
 - (ii) Will not promote the efficient use and development of natural and physical resources; and
 - (iii) Does not represent sound resource management practice particularly with respect to infrastructure planning and surrounding land use management.

5. HWRG seeks the following decision from the Southland Regional Council:

- a) The amendments set out in **Table 1** attached to this submission as **Annexure A** (or those with similar or like effect) be accepted; and
- b) Such further or other relief as is appropriate or desirable in order to take account of the concerns expressed in this submission; and
- c) Any consequential amendments to the Proposed Plan necessary to give effect to a) and b) above; and
- d) That, in the event that the amendments set out above are not implemented, the Proposed Plan be withdrawn.

6. HWRG does wish to be heard in support of its submission.

7. If others make a similar submission, HWRG would be prepared to consider presenting a joint case with them at any hearing.

Signature:



.....
Megan Justice

Date:

1st day of August 2016

Address for service: C/- Mitchell Partnerships Limited
PO Box 489
Dunedin

Attn: Megan Justice

Telephone: (03) 477 7884

Facsimile: (03) 477 7691

Email: megan.justice@mitchellpartnerships.co.nz

ANNEXURE A

Submission Table

Provision		Description	Position	Reasons	Relief Sought (or other such similar outcome that has the same effect as the relief being sought)
Objectives					
Objective 2	Water and land is recognised as an enabler of the economic, social and cultural wellbeing of the region.	Support in part	It is appropriate to recognise that water and land are enablers of economic, social and cultural wellbeing of the Southland region. Without access to such resources, certain activities and industries could not continue and this objective suitably recognises this. HWRG does however consider that this objective needs to be better supported by ensuing policies and rules. There does not appear to be any policies that enable activities to use water and land in a sustainable way.		Retain objective, and include additional policies and rules to better support this objective.
Objective 13	Enable the use and development of land and soils, provided: (a) The quantity, quality and structure of soil resources are not irreversibly degraded through land use activities and discharges to land; (b) The discharge of contaminants to land or water that have significant or cumulative effects on human health are avoided; and (c) Adverse effects on ecosystems (including diversity and integrity of habitats), amenity values, cultural values and historic heritage values are avoided, remedied or mitigated to ensure these values are maintained or enhanced.	Oppose in part	HWRG is concerned that this objective will require all cumulative effects of discharges to land and water to be avoided, regardless of how minor these effects might be. It is considered that cumulative effects that tip the balance to constitute an adverse effect will be captured by clause (b) of this objective. Providing for the avoiding, remedying or mitigation of adverse effects aligns with the s. 5 of the Act, which states that the sustainable management purpose of the Act is: Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while— (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and (b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and (c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.	Amend the objective as follows: Enable the use and development of land and soils, provided: (a) The quantity, quality and structure of soil resources are not irreversibly degraded through land use activities and discharges to land; (b) The discharge of contaminants to land or water that have significant or cumulative adverse effects on human health are avoided, remedied or mitigated; and (c) Adverse effects on ecosystems (including diversity and integrity of habitats), amenity values, cultural values and historic heritage values are avoided, remedied or mitigated to ensure these values are maintained or enhanced.	

Objective 18	All activities operate at "good (environmental) management practice" or better to optimize efficient resource use and protect the region's land, soils and water from quality and quantity degradation.	Oppose in part	<p>Amend the objective as follows:</p> <p>All farming activities operate at "good (environmental) management practice" or better in accordance with a Farm Management Plan to optimize efficient resource use and protect the region's land, soils and water from quality and quantity degradation.</p>
Policies			
Policy 13	Manage land use activities and discharges (point source and non-point source) to land and water so that water quality and the health of humans, domestic animals and aquatic life, is protected.	Oppose	<p>Amend as follows:</p> <p>Manage land use activities and discharges (point source and non-point source) to land and water so that water quality is protected, remedied or mitigate adverse effects on the health of humans, domestic animals and aquatic life.</p>
	<p>HWFRG submits that if this objective is only relevant to activities that require the preparation of a farm management plan then this should be more explicit in the drafting of this objective, otherwise it is not clear how this objective will be interpreted and applied.</p>	<p>HWFRG submits that this policy is inconsistent with the higher order objectives of the Plan, as well as the requirements of the NPSFM. The NPSFM (Objective B1) specifies that the following components be safeguarded:</p> <ul style="list-style-type: none"> • life-supporting capacity • ecosystem processes • indigenous species including their associated ecosystems <p>Whereas the significant values of wetlands and of outstanding freshwater bodies be protected (Objective B4).</p>	<p>The "safeguarding" and "protection" ascribed by Objectives B1 and B4 of the NPSFM is also aligned with the requirements of the following sections of the RMA (as follows):</p> <p>5(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems;</p> <p>6(a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;</p> <p>6(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.</p> <p>However, the Proposed Plan's extension of "protection" in this policy does not correspond to the requirements to "safeguard" specified by Objective B1 of the NPSFM and s. 5(b) of the RMA. HWFRG is concerned that the protection of certain values/elements as set out in this policy amounts to a requirement to avoid all effects. This would be</p>

				inappropriate and inconsistent with the NPS and the RMA.	
Policy 29	Provide for the extraction of gravel to meet the needs of the community, in a way that avoids, remedies or mitigates adverse effects on rivers and their margins; and: 1. maintains or enhances aquatic and riparian habitat; or 2. ensures no long-term net loss of habitat in the river channel and floodplain; or 3. maintains or enhances flood protection, erosion control or the integrity of physical resources; and 4. does not adversely affect the cultural values associated with the river, including mahinga kai and taonga species habitat, mātaītai and taiāpure; and 5. does not adversely affect recreational values.	Oppose in part		Amend the policy as follows: Provide for the extraction of gravel to meet the needs of the community, in a way that avoids, remedies or mitigates adverse effects on: 1. on rivers and their margins; and; 2. maintains or enhances aquatic and riparian habitat; or 3. ensures no long-term net loss of habitat in the river channel and floodplain; or 4. maintains or enhances flood protection, erosion control or the integrity of physical resources; and 5. does not adversely affect the cultural values associated with the river, including mahinga kai and taonga species habitat, mātaītai and taiāpure; and 6. does not adversely affect recreational values.	
Policy 35	Ensure the discharge of contaminants as waste or cleanfill occurs at an appropriate site.	Support		HWRG considers this policy to be appropriate for the management of cleanfill activities.	
Rules					
Rule 34	Discharges to land from industrial and trade processes	Oppose		This rule sets out that the discharge to land of wastewater, sludge, or effluent from industrial and trade processes is a discretionary activity provided certain conditions relating to the infrastructure used to store such material are achieved. Failure to comply with these conditions result in a non complying activity status. As above, HWRG submits that these conditions appear to be somewhat arbitrary and not likely to reflect real risk or effects associated with the discharge of such material to land. Given this, it is not considered appropriate for the default activity status to be non complying. A discretionary activity status would be appropriate in allowing a full assessment of the effects arising from the discharge of effluent or sludge to land from an industrial or trade process.	Delete (i) and remove the non complying activity status for such activities.
Rule 42	Cleanfill sites (a) The discharge of cleanfill into or onto land at a	Oppose in Part		HWRG notes that the requirements of this rule are different to the requirements for clean fill activities required under the Proposed Southland District Plan	Amend rule to align with the recently operative Southland District Plan rule for cleanfill activities.

	<p>cleanfill site in circumstances where contaminants may enter water is a permitted activity provided the following conditions are met:</p> <p>(i) the total amount of cleanfill discharged at all cleanfill sites on a landholding does not exceed 500 cubic metres;</p> <p>(ii) the discharge does not occur within:</p> <p>(1) the bed of a lake or river;</p> <p>(2) 50 metres of a surface waterbody, artificial watercourse, the coastal marine area, or landholding boundary;</p> <p>(3) the flood banks of the Waiau, Aparima, Ōreti or Mataura rivers, or 50 metres of these rivers where flood banks are not present;</p> <p>(4) 100 metres of a water abstraction point;</p> <p>(iii) the activity does not modify, damage or destroy any recorded historic heritage sites;</p> <p>(iv) stormwater is directed away from the discharge site.</p> <p>(b) The discharge of cleanfill into or onto land at a cleanfill site in circumstances where contaminants may enter water that does not meet one or more of the conditions of Rule 42(a) is a restricted discretionary activity.</p>	<p>(which is not subject to appeal).</p> <p>Rural Zone Rule 5 of the Southland District Plan requires cleanfill to be deposited 20m from any water body, including wetlands and coastal water.</p> <p>HWRG notes that the Southland District Plan rule is recently operative and seeks that the Proposed Water and Land Plan amend clause (2) to align with the Southland District Plan to enable the effective and efficient administration of cleanfill activities within the Southland District.</p>	<p>(2) 50 20 metres of a surface waterbody, artificial watercourse, the coastal marine area, or landholding boundary;</p>
Definitions			
Cleanfill	<p>Any material that when discharged into or onto land will have no or minimal adverse environmental effects, and includes virgin natural matter (e.g. clay, soil, sand, gravel or rock) and other inert products from construction or demolition activities (e.g. concrete or brick) that are free of:</p> <p>(a) combustible, putrescible, degradable, compostable or leachable components (e.g. animal carcasses, green/garden waste, timber, bark, cork, tree roots, new asphalt);</p> <p>(b) hazardous substances (e.g. coal tar, or asbestos);</p> <p>(c) products or materials derived from the treatment, stabilisation or disposal of hazardous waste; and</p> <p>(d) materials of risk to human or animal health (e.g. medical or clinical waste); and</p> <p>(e) liquid waste (including sludges).</p>	Support	<p>This definition is very closely aligned with the definitions for 'Cleanfill' in the Proposed Southland District Plan (which has not been appealed) and the Proposed Invercargill City Plan.</p> <p>Retain definition.</p>
Cleanfill Site	<p>Land used for the permanent disposal of cleanfill and no other type of material but excludes earthworks on the same landholding, earthworks associated with any road,</p>	Oppose in part	<p>This definition is confusing and, as drafted, the intent of the definition is not clear.</p> <p>Amend definition as follows:</p>

	<p>driveway or track, and any area within a road reserve containing a formed road that is used for the deposition of roading material.</p>			<p>Land used for the permanent disposal of cleanfill and no other type of material but excludes land in the same landholding used for:</p> <ul style="list-style-type: none"> - earthworks on the same landholding. - earthworks associated with any road, driveway or track, and - any area within a road reserve containing a formed road that is used for the deposition of roading material.
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Annexure B
Relevant Parts of Decision

Activities that affect water quality and quantity

Policy 26 – Renewable energy

Recognise and provide for the national and regional significance of renewable electricity generation activities (including the existing Manapōuri hydro-electric generation scheme in the Waiau catchment), the national, regional and local benefits of renewable electricity generation activities, the need to locate the generation activity where the renewable energy resource is available, and the practical constraints associated with its development, operation, maintenance and upgrading, when:

1. allocating surface water for abstraction, damming, diversion and use; and
2. considering all resource consent applications for surface water abstractions, damming, diversion and use.

Policy 26A – Infrastructure

Recognise and provide for the effective development, operation, maintenance and upgrading of regionally significant, nationally significant and critical infrastructure in a way that avoids where practicable, or otherwise remedies or mitigates, adverse effects on the environment.

Policy 27 – Bore construction and management

Require minimum standards for the construction, operation and maintenance of bores and wells.

Policy 28 – Structures and bed disturbance activities of rivers (including modified watercourses) and lakes

Manage structures, bed disturbance activities and associated discharges in the beds and margins of lakes, rivers and modified watercourses, to avoid, remedy or mitigate adverse effects on:

1. water quality and quantity;
2. habitats, ecosystems and fish passage;
3. indigenous biological diversity;
5. the spiritual and cultural values and beliefs of the tangata whenua;
6. mātaihai and taiāpure;
7. public access (except in circumstances where public health and safety are at risk) and amenity values;
8. natural character values and outstanding natural features;
9. river morphology and dynamics, including erosion and sedimentation;
10. flood risk;
11. infrastructural assets;
12. navigational safety; and
13. landscape values.

Policy 29 – Provide for the extraction of gravel

Recognise the value of gravel and provide for its extraction to meet the social, economic and cultural needs of the community in a way that avoids, remedies or mitigates adverse effects on land, groundwater quality, rivers and their margins; and:

1. for river based extractions, requires the restoration of aquatic and riparian habitat once the gravel extraction activity has ceased; and
2. results in no long-term net loss of habitat in the river channel, bed or floodplain; and

- 2a. ensures that the rate and volume of gravel extraction is sustainable; and
3. ensures no degradation of flood protection and erosion control infrastructure and the integrity of physical resources; and
4. does not adversely affect the Ngāi Tahu cultural values and interests associated with the land or river, including taonga species habitat, mahinga kai, mātaītai and taiāpure;⁵ and
5. results in no long-term adverse effects on recreational values; and
6. maintains public access (except in circumstances where public health and safety are at risk).

Policy 30 – Drainage maintenance

In recognition of the community benefits of maintaining flood conveyance capacity and land drainage, ensure that drainage maintenance activities within artificial watercourses and the beds of modified watercourses are managed in a way that either:

1. avoids, remedies or mitigates significant adverse effects on the aquatic environment; or
2. maintains or enhances habitat value.

Policy 31 – Whitebait stands

Restrict the allocation of space for whitebait stands in the beds of lakes, rivers and modified watercourses to:

1. stands lawfully existing as of 1 June 2003; or
2. new stands used in lieu of previously lawfully existing stands, but as close as practical to the former site where that site can no longer be used because of either natural alterations to the course of the river, bank erosion or high-water mark alterations.

Policy 32 – Protect significant indigenous vegetation and habitat

Protect significant indigenous vegetation and significant habitats of Indigenous fauna associated with natural wetlands, lakes and rivers and their margins.

Policy 33 – Adverse effects on natural wetlands

Prevent the reduction in area, function and quality of natural wetlands, including through drainage, discharges and vegetation removal.

Policy 34 – Restoration of existing wetlands, the creation of wetlands and riparian planting

Recognise the importance of wetlands and indigenous biodiversity, particularly their potential to improve water quality, offset peak river flows and assist with flood control, through encouraging:

1. the maintenance and restoration of existing natural wetlands and the creation of new wetlands; and
2. the establishment of wetland areas and associated indigenous riparian plantings, including on-farm, in subdivisions, on industrial sites and for community sewerage schemes.

⁵ Mātaītai and taiāpure are defined in the Introduction to the Plan on page 10.

Policy 28 – Structures and bed disturbance activities of rivers (including streams and modified watercourses) and lakes

Sub ID & Sub Point	Recommendation	Reason
24.47, 25.15, 89.19, 108.45, 205.14, 206.14, 277.32, 372.6, 523.1, 611.6, 614.4, 749.55, 753.1, 802.14, 811.14, 832.43	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.
210.61	Accept	We adopt the recommendations and reasons set out in the section 42A Reports.
265.54, 449.9	Accept in part	With regard to clause 4 see Chapter 16 of the separate narrative forming part of this Report. With regard to clause 5 the amendment requested would unjustifiably weaken the pSWLP and reduce its effectiveness in achieving its objectives, and for giving effect to the superior instruments.
279.34	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.
562.7	Accept	We agree, including for the reasons set out in the submission and the Section 42A Reports, that the provision should be amended as sought.
752.69	Accept in part	We adopt the recommendations and reasons set out in the section 42A Reports. We note that navigational safety was already included in the policy as notified.
792.9	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.

Policy 29 – Provide for the extraction of gravel

Sub ID & Sub Point	Recommendation	Reason
22.1, 24.48, 25.16, 47.8, 80.14, 89.20, 205.15, 206.15, 209.17, 355.4, 449.10, 523.2, 569.5, 614.5, 616.5, 640.21, 681.10, 682.6, 742.5, 753.2, 759.8, 802.15, 810.21, 811.15, 832.44, 869.2, 877.30, 880.36	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.
10.1, 342.5	Accept in part	We agree, including for the reasons set out in the submissions and the Section 42A Reports, that the provision should be generally amended as sought.

Sub ID & Sub Point	Recommendation	Reason
81.16, 210.62	Reject	We adopt the recommendations and reasons set out in the section 42A Reports.
145.2, 207.2, 220.9, 221.9, 482.7, 792.10, 798.2, 861.15	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.
279.35	Accept in part	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; other than for the request to insert a clause relating to the maintenance of public access.
288.22	Accept in part	We agree, including for the reasons set out in the submission that it would be appropriate to recognise the value of gravel for social, cultural and economic needs. However, we are not persuaded that deleting clauses 1-5 as 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.
372.7	Reject	See Chapter 16 of the separate narrative forming part of this Report.
749.56	Accept	See Chapter 20 of the separate narrative forming part of this Report.
752.70	Accept in part	We adopt the recommendations and reasons set out in the section 42A Reports.
797.26	Accept	We agree, including for the reasons set out in the submission and the Section 42A Reports, that the provision should be amended as sought.

Policy 30 – Drainage maintenance

Sub ID & Sub Point	Recommendation	Reason
3.2, 24.49, 25.17, 89.21, 136.1, 139.1, 186.3, 205.16, 206.16, 209.18, 220.10, 221.10, 292.8, 387.6, 411.16, 449.11, 523.3, 614.6, 640.22, 749.57, 753.3, 802.16, 810.22, 811.16, 832.45, 877.31, 880.37	Accept in part	We accept that the policy should be retained as notified, apart from the very minor clarifying amendment that we recommend under clause 16(2) of Schedule 1 to the RMA.
92.4, 108.46, 210.63, 279.36, 752.71	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. In particular we consider that the submissions seeking additional environmental constraints would merely duplicate the broad requirement already embodied in clauses 1 and 2.

Annexure C

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

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

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