

**BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA  
IN CHRISTCHURCH**

**ENV-2018-CHC-**

**IN THE MATTER** of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of an appeal under  
clause 14 of Schedule 1  
to the Act

**BETWEEN** **WAIHOPAI RŪNAKA,  
HOKONUI RŪNAKA,  
TE RŪNANGA O  
AWARUA, TE  
RŪNANGA O ORAKA  
APARIMA, and TE  
RŪNANGA O NGĀI  
TAHU (collectively  
NGĀI TAHU)**

**Appellants**

**AND** **SOUTHLAND  
REGIONAL COUNCIL**

**Respondent**

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**NOTICE OF APPEAL TO ENVIRONMENT COURT IN RESPECT OF DECISIONS ON  
THE PROPOSED SOUTHLAND WATER AND LAND PLAN**

**17 MAY 2018**

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 **Simpson Grierson**  
Barristers & Solicitors

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**TO:** The Registrar  
Environment Court  
Christchurch

1. **WAIHOPAI RŪNAKA, HOKONUI RŪNAKA, TE RŪNANGA O AWARUA, TE RŪNANGA O ORAKA APARIMA** (collectively **NGĀ RŪNANGA**), and **TE RŪNANGA O NGĀI TAHU** (collectively **NGĀI TAHU**) appeal against decisions of the Southland Regional Council (**Council**) on the proposed Southland Water and Land Plan (**proposed plan**).
2. **NGĀI TAHU** made a submission on that proposed plan.
3. **NGĀI TAHU** is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. **NGĀI TAHU** is directly affected by an effect of the subject of the appeal that—
  - (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.
5. **NGĀI TAHU** received notice of the decision on 4 April 2018.
6. The decision was made by the Southland Regional Council.
7. The parts of the decision that **NGĀI TAHU** is appealing are set out in detail in the table below at paragraph 9 of this notice, but in summary they relate to:
  - (a) provisions that have been amended so they no longer maintain or improve all water quality from when the current Southland Water and Land Plan was made operative in 2010;
  - (b) provisions that do not provide for or diminish the values of **NGĀI TAHU** through failing to avoid or mitigate effects on taonga species, mātaítai and taiapure, nohoanga, statutory acknowledgement areas, wāhi tapu and wāhi Taonga;
  - (c) objectives and policies that create a preferential approach to primary production and regionally significant infrastructure;

- (d) provisions that prevent the recognition of the national significance of Te Mana o Te Wai and diminish ki uta ki tai by expressly removing ephemeral rivers from being protected and by not affording protection to tidally influenced areas and lagoons; and
- (e) removal of physiographics from the permitted activity rules in the proposed plan, and weakening the application of physiographics in consent processes.

8. The general reasons for the **NGĀI TAHU** appeal are as follows:

- (a) **NGĀI TAHU** is concerned there have been centuries of declining water quality and that the current state of freshwater is not an acceptable benchmark for water quality and quantity. This does not provide for "Te Mana o te Wai". **NGĀI TAHU** is concerned that the current state of the region's environment (particularly water quality) will not be confronted and maintained or improved through this process. For **NGĀ RŪNANGA** it is unacceptable for the present poor state of the environment to be used as a justification for enabling a continuation or expansion of inappropriate activities and land uses, or as a basis for "grandfathering" currently unsustainable practices.
- (b) For **NGĀI TAHU** the relationship with the takiwā is one of kaitiakitanga over the resources of the region. The proposed plan is a part of fulfilling the role of kaitiakitanga. If the planning process is more permissive for matters that adversely impact on the environment, especially where there is evidence that water quality and soil health is already diminishing, this limits the ability of **NGĀI TAHU** to exercise kaitiakitanga. In exercising kaitiakitanga, **NGĀI TAHU** work actively to ensure that spiritual, cultural and mahinga kai values of the takiwā are upheld and sustained for future generations. This includes that the skills, activities and knowledge relating to freshwater and mahinga kai are fostered and passed on to future generations.
- (c) The proposed plan was intended to "hold the line" in terms of the quality of the region's environment and freshwater resources. **NGĀI TAHU** is concerned that parts of the proposed plan will not achieve this. It is therefore doubtful that the mauri, particularly of the water and soils, will be maintained and protected. The proposed plan risks diminishing the

habitat of taonga species not protected (eg. inanga) and has reduced the recognition of ki uta ki tai by removing provisions that recognise the impacts of freshwater on tidally influenced areas and estuaries.

- (d) The concept of “Te Mana o te Wai” puts the mauri of the waterbody and its ability to provide for te hauora o te tangata, te hauora o te taiao, and te hauora o te wai, to the forefront of freshwater management. Te Mana o te Wai is fundamental to the integrated framework for freshwater management in Southland<sup>1</sup>. **NGĀI TAHU** is committed to this approach and wants to ensure that Te Mana o te Wai is at the forefront of this proposed plan, from the objectives through to the rules. Of particular concern are decisions to redraft policies and rules in a way that provides only for the wellbeing of people, especially at the expense of the water and/or environment.
- (e) **NGĀI TAHU** seek that the proposed plan:
- (i) avoids any further deterioration of water quality and does not preclude the ability for greater regulation of water bodies where necessary through the Freshwater Management Unit (**FMU**) process;
  - (ii) applies consistent use of physiographic zones as a strong basis for the rationale for the rules structure;
  - (iii) does not ignore, erode or impede the rights and interests of **NGĀI TAHU**;
  - (iv) does not make the proposed plan provisions more permissive in any way;
  - (v) addresses cumulative effects on the receiving environment;
  - (vi) does not limit the ability for subsequent plan provisions to provide for the management of sediments, microbes, and nutrients through the FMU process; and
  - (vii) creates clear and directive objectives, policies and rules that maintain or improve water quality.

9. The specific parts of the decision appealed, the reasons for the points of appeal, and the relief sought are as follows<sup>2</sup>:

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<sup>1</sup> Decisions version of proposed plan, pages 5-6

<sup>2</sup> Noting that the relief sought encapsulates such consequential or further relief as may be necessary to fully address the reasons for appeal and give effect to the relief sought

Appeal point	Provision of proposed plan that appeal point relates to	Relief sought	Reasons for relief
1	General – water quality provisions in proposed plan	Maintain and improve water quality be established from when the Regional Water Plan for Southland became operative (January 2010).	The Plan should maintain or improve from the date the existing Plan was made operative, not the date at which the review has occurred.
2	General – physiographics provisions in Plan	<p>Retain physiographics in the objectives and policies of the pSWLP (except for those changes indicated in this appeal).</p> <p>Reinstate physiographics in the rules relating to discharges and their effect on water quality from agriculture. Recognising however that where it is shown in application of a rule that the physiographic zone applied to the land may not be appropriate that this can be taken into account by the decision maker.</p>	The concept of physiographics resonates with Ngāi Tahu as it reflects well the concept of ki uta ki tai (from the mountains to the sea). It is a tool which matches land use with land capability. Removing physiographics from the rules has reduced the certainty that the plan will, at the least, maintain water quality in Southland.
3	General – reference to “excluding ephemeral rivers” throughout proposed plan, including from Objective 16	Delete text “excluding ephemeral rivers” wherever it occurs in the proposed plan.	<p>The definition of ephemeral waterbody is not sufficiently clear to ensure that farming activities will not adversely impact on water quality in rivers.</p> <p>Ephemeral water bodies are critical source areas for contaminants that are excluded from good management practice policy/provisions. Removing these from provisions managing water means farming activities may adversely impact on water quality.</p>
4	General – removal of the term historic heritage from objectives and policies, including from Objective 9	Reinstatement of HISTORIC HERITAGE to objectives and policies.	<p>Historic heritage is a broad term. Archaeological sites are protected under the HNZPT, some heritage buildings and items can be protected under District Plans. Everything else is not legally recognised. This includes wahi tapu, wahi tupuna, sites of significance, areas that are not included in the District Plan.</p> <p>The amendments to the proposed plan remove</p>

Appeal point	Provision of proposed plan that appeal point relates to	Relief sought	Reasons for relief
			<p>reference to historic heritage throughout. It is considered that in considering effects of a land or water use, these still need to be considered. Regional councils have jurisdiction under section 30(1)(a) to include <i>objectives, policies and methods</i> in relation to historic heritage, as part of integrated management; and to include <i>objectives and policies</i> regarding historic heritage in relation to the effects of the use, development, or protection of land which are of regional significance.</p> <p>Objectives, policies and methods can be included in a regional plan relating to historic heritage, as described above; and under section 75(4)(b), district plans must not be inconsistent with a regional plan for any matter specified in section 30(1).</p>
5	Objective 2	Remove specific reference to “primary production”.	The activities of primary production are captured by the economic, social and cultural wellbeing. Specific mention of primary production is not necessary and does not appropriately recognise Te Mana o te Wai.
6	Objective 6	Remove reference to “overall” from objective.	Overall as used in objective 6 provides no certainty that the proposed plan will maintain or improve water quality. The addition of “overall” removes the certainty that the intent of the proposed plan is that the quality of all freshwater and water in estuaries and coastal lagoons in Southland are to be maintained or improved.
7	New Objective 9A	Reinstate reference to managing first the needs of the surface waterbody for aquatic ecosystem health, life-supporting capacity, outstanding natural features and landscapes and natural character. The provision should then provide for the	Splitting the Objective into two has diminished ‘Te Mana o te Wai’ in that the needs of the water comes first. Using the term “sustainably managed” does not achieve the same outcome and will have an adverse effect on water

Appeal point	Provision of proposed plan that appeal point relates to	Relief sought	Reasons for relief
		needs of people and communities.	bodies.
8	New Objective 9B	Delete new objective 9B.	<p>The objective and definitions provide insufficient clarity as to what constitutes effective development, operation, maintenance and upgrading of 'regionally significant infrastructure'. It is also uncertain as to what is intended to be captured by the rules that is not defined as "critical" infrastructure or captured by Objective 10.</p> <p>The negative impacts of this objective on taonga species, values, customary management tools, and the redress from the Ngai Tahu Claims Settlement Act 1998 could be significant. It also does not encourage a ki uta ki tai approach to management.</p>
9	Objective 10	Delete the text "hydro-electric schemes, including the" and "and their structures are considered a part of the existing environment".	<p>Not all hydro-schemes within Southland are nationally important, nor should existing structures be considered a part of the existing environment, particularly where these structures are operating below what would be considered current best management practice.</p> <p>The negative impacts of this objective on taonga species, values, customary management tools, and the redress from the Ngai Tahu Claims Settlement Act 1998 could be significant. It also does not encourage a ki uta ki tai approach to management.</p>
10	Objective 13	Reject changes which create three separate Objectives	<p>The amendments do not recognise "ki uta ki tai" in that what affects the land affects water. The proposed plan established ki uta ki tai as the means of managing water and resources (refer to its preamble). It further does not recognise that enabling use and development should only occur if it does not adversely affect ecosystems, cultural</p>

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			values and historic values.
11	Objective 18	Retain the Objective as notified	The Objective as redrafted provides little certainty as to what Good Management Practice will achieve. Ngāi Tahu agreed with the Section 42A report which stated that “Objective 18 recognises an overall aim of the pSWLP to encourage good practice by all water and land users in the region, irrespective of activity status under the pSWLP”.
12	Policy 4	Delete text “decision makers generally not granting” and replace with “strongly discouraging the granting of”.	Ngāi Tahu sought that water quality was maintained or improved from the date the existing Plan was made operative (2010). “Generally not granting” does not provide certainty that the line will be held against further degradation.
13	Policies 5, 9, 10, 11, and 12	Delete the following text from new clause 3 of each policy “decision makers generally not granting” and replace with “strongly discouraging the granting of”.	Ngāi Tahu sought that water quality was maintained or improved from the date the existing Plan was made operative (2010). “Generally not granting” does not provide certainty that the line will be held against further degradation.
14	Policy 13	Retain Policy 13 as drafted.	The policy has been redrafted to be development focused, where the original policy focused on protection.  The activities of primary production are captured by the economic, social and cultural wellbeing. Specific mention is not necessary.  As drafted the policy does not recognise other uses that water may have.  Clause 2 does little more than introduce policies 15A, 15B and 15C.
15	Policy 15 and new Policies 15A, 15B and 15C	Retain Policy 15 as proposed by the s42A report. Delete new Policies 15A, 15B and 15C.	Policies 15A and 15B do not provide for maintaining or improving water quality as it diminishes the overall intent of by introducing the terms “where practicable” and



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			<p>“mitigating” into the policies.</p> <p>The intent or purpose of policy 15C is uncertain, as following the establishment of FMU freshwater objectives, this will provide direction on how specific water bodies are maintained or improved.</p>
16	Policy 16	<p>Clause 1(a) – amend to read “<i>strongly</i> discouraging”.</p> <p>Clause 1(c) – delete.</p> <p>Clause 3 – delete.</p>	<p>Clause 1(a) relates to regionally significant water bodies. Discouraging the establishment of new dairy farming of cows is weaker in intent and suggests a less active role of the proposed plan in achieving the outcome than “strongly discouraging”.</p> <p>The intent of Clause 1(c) is uncertain, as provisions relevant to how freshwater is managed for farming and intensive winter grazing can be included within the plan following the establishment of Freshwater Objectives and Limits.</p> <p>Clause 3 is unnecessary, but could set an expectation that, while a decision maker has flexibility to aggregate consents, consent durations of more than 5 years will occur in most instances.</p>
17	Policy 17(1)	Remove policy 17(1) in its entirety.	<p>It is uncertain why this policy has been included, as direction for all contaminants, including Policies 15 and 16, cover the same matter. As all relevant policies must be considered when processing a resource consent, Policy 17(1) is unnecessary.</p> <p>Policy 17 as drafted was related to how agricultural effluent systems were managed. 17(1) confuses the policy’s intent.</p>
18	Policy 17A (1b)	Delete term ‘progressively’ from b.	It is uncertain what ‘progressively’ will mean in the context of this policy. Suggest that in implementing it, measures may include a programme of works (for

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			example in a district council's Long Term Plan).
19	Policy 20 1(A)	Delete the following text "including for primary production".	The activities of primary production are captured by the economic, social and cultural wellbeing. Specific mention is not necessary.
20	Policy 25	Delete or otherwise clarify meaning of "industries that process perishable foods".	The extent of operations and the reasonable water abstractions for industries that process perishable foods is uncertain.
21	Policy 26	Delete the text "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".	The additional wording gives a preference to new generation activities where the policy was originally intended to apply to existing renewable resources.
22	Policy 26A	Delete policy 26A in its entirety.	The objective and definitions provide insufficient clarity as to what constitutes effective development, operation, maintenance and upgrading of regionally significant infrastructure, and what is not already covered by the definition of "critical" infrastructure or captured by Objective 10.
23	Policy 29(1)	Delete the text "requires the restoration of" and replace with "maintains or enhances".	In some areas restoration is insufficient, and enhancement of the habitat is necessary.
24	Policy 39A	Delete the words "When considering the cumulative effects of land use and discharge activities within whole catchments, consider". Replace with the words "To improve".	The wording "to improve" facilitated Te Mana o te Wai and ki uta ki tai in that it recognised the need to improve integrated management of freshwater management with the use of land, and the interactions of them with ecosystems.
25	Rule 5 (a)(3)	Delete the text "except for discharges from a territorial authority reticulated stormwater or wastewater system".	Ngāi Tahu seek that discharges to water do not contain raw sewage. The rule has been amended to allow for discharges from stormwater or wastewater systems containing raw sewage as a discretionary rather than non-complying activity, which negates the significance of this

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			matter to mana whenua.
26	Rule 15	Add an additional clause as follows:  <u>The discharge is not into an established mātaimai or taiapure reserve.</u>	In terms of the effects of stormwater on taiapure and mātaimai, stormwater can contain contaminants such as heavy metals and <i>E. coli</i> . Contaminants can and do affect the health of the water body and in turn the health of the species within it and those undertaking customary activities.
27	New Rule 20aa	Delete new rule 20aa in its entirety.	The definition of “ephemeral waterbody” is not sufficiently clear to ensure that contaminants from farming activities will not impact on water quality.
28	New Rule 20 replacing Rules 20, 21, 22, 23	Retain rules as recommended in the Section 42A report (26 May 2017) with the exception of: <ul style="list-style-type: none"> <li>not permitting intensive winter grazing in Old Mataura;</li> <li>limiting intensive winter grazing to 20ha on Peat Land;</li> <li>intensive winter grazing in the Oxidizing zone being no greater than 20ha and non-complying if does not meet the permitted rules; and</li> <li>permitted intensive winter grazing in the Riverine being on sites no greater than 20ha in size.</li> </ul>	The use of physiographics reflects well the concept of ki uta ki tai (from the mountains to the sea) and matches land use with land capability. Removing reference to physiographics from the permitted activity status of Rules 20, 21, 22 and 23 undermines both the robustness and the effectiveness of physiographics in the proposed plan as a mechanism to maintain or improve water quality.  The decision gives no consideration of Old Mataura and Peat Land which were identified in the Section 42A report as being susceptible to nutrient loss. The Section 42A report also showed Oxidising is highly susceptible to degradation from winter grazing. The new rules provides no distinction in managing these risks and provides for intensive winter grazing and dairying on these land types.
29	Rule 26(vi)(2)	Include text “, mātaimai reserve or taiapure”.	These reserves are permanent fisheries protection areas. In establishing a taiāpure or mātaimai it symbolises the special relationship Ngāi Tahu

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			has with its traditional fishing grounds. As well as the role of ensuring that the kai moana is abundant and safe to eat, Ngā Rūnanga also seek to protect the mauri and wairua of these areas. Providing setbacks when disposing of effluent onto land adjacent to these sites recognises both the abhorrence of the disposal of sewage to water, the risks of sewage on mahinga kai, and protects the mauri and wairua of the fishery areas.
30	Rule 28(a)(v)(2)	Include text “, mātaītai reserve or taiāpure”.	These reserves are permanent fisheries protection areas. In establishing a taiāpure or mātaītai it symbolises the special relationship Ngāi Tahu has with its traditional fishing grounds. As well as the role of ensuring that the kai moana is abundant and safe to eat, Ngā Rūnanga also seek to protect the mauri and wairua of these areas. Providing setbacks when disposing of effluent onto land adjacent to these sites recognises both the abhorrence of the disposal of sewage to water, the risks of sewage on mahinga kai, and protects the mauri and wairua of the fishery areas.
31	Rule 29(a)(ix)(2)	Include text “, mātaītai reserve or taiāpure”.	These reserves are permanent fisheries protection areas. In establishing a taiāpure or mātaītai it symbolises the special relationship Ngāi Tahu has with its traditional fishing grounds. As well as the role of ensuring that the kai moana is abundant and safe to eat, Ngā Rūnanga also seek to protect the mauri and wairua of these areas. Providing setbacks when disposing of effluent onto land adjacent to these sites recognises both the abhorrence of the disposal of sewage to water, the risks of sewage on mahinga kai, and protects the mauri and wairua of the fishery areas.

Appeal point	Provision of proposed plan that appeal point relates to	Relief sought	Reasons for relief
32	Rule 35A(iii)(1)	Include text "coastal marine area".	The NPSFW requires the Council to have regard to the connection between freshwater bodies and coastal water. To mitigate or avoid discharge into the coastal marine area from feedlots and feedpads a setback of 50 metres is considered appropriate and in line with setbacks from other waterbodies. It is also in line with other discharge rules, for example Rule 35 relating to the discharge of agricultural effluent to land.
33	New Rule 52A	Redraft so new Rule 52A is a restricted discretionary activity where restriction includes consideration of:  <u>adverse effects on mahinga kai, taonga species and the spiritual and cultural values and beliefs of the tangata whenua</u>	Lake Manapōuri and the Waiau River are Statutory Acknowledgement Areas. Effects of the activity on mahinga kai, taonga species and the spiritual and cultural values and beliefs of the tangata whenua should therefore be considerations when processing a consent application.
34	Rule 74	Reword clause 74a(1) to provide for removal of plant species for mahinga kai purposes.	As drafted, rule 74a(1) precludes the harvesting of plant species such as flax and other species for mahinga kai.
35	Rule 74	Amend Rule 74 to include: <u>Wetlands</u> <u>d) The draining of any natural wetland is a prohibited activity.</u>	The number and extent of natural wetlands are significantly reduced, and the drainage of these should be prohibited.
36	New Rule 74ab	Delete rule 74ab.	This rule provides little certainty that peat wetlands will be protected.
37	Rule 78	Add a new clause: <u>(xv) No activity in relation to drainage maintenance shall significantly adversely affect the habitat or health of any taonga species as identified in Appendix M.</u>	The rule applies to modified watercourses, but does not recognise or protect taonga species or their habitat that may be found or established within the watercourse. The amendment also provides for the removal of aquatic plants which could include taonga species.
38	Appendix N	Retain Appendix N as provided for in the Section 42A Report with the following amendments:	The amendment to Appendix N has become so broad as to provide no certainty to Ngāi Tahu as to what activities farmers will be implementing to

Appeal point	Provision of proposed plan that appeal point relates to	Relief sought	Reasons for relief
		<p>Part B:</p> <p>Retain clause relating to Farm Environmental Plans including known and recorded heritage sites and significant biodiversity.</p> <p>Include in Part B(5) the following:</p> <p><i>A good management practices section which identifies:</i></p> <p><u><i>The range of good management practices that minimises the effects on taonga species listed in Appendix N and any significant indigenous biodiversity.</i></u></p>	<p>achieve good management practice on their farms. There is no provision for showing how a farm will protect taonga species that the proposed plan has identified as important.</p>
39	Appendix E	Delete the following statement from Appendix E “due to the effects of the operation of the Manapōuri hydro-electric generation scheme that alters natural flows, that parameter cannot be applied”.	The Waiau River is a statutory acknowledgement area. Expressly excluding the Waiau River from the applying parameter to the receiving water quality standards due to the presence of the Manapōuri hydro-electric generation scheme fails to recognise and provide for the significance of the Waiau to Ngāi Tahu.
40	Appendix A and deleted Appendix Q	Ensure those sensitive water bodies not already covered in Appendix A into the list this includes adding New Estuary and Waituna Lagoon, Lake Te Anau, Lake Manapouri, and Waimatuku Estuary.	Neither the decision nor the Section 42A report appears to have sought the deletion of Sensitive Water Bodies from the proposed plan. Rather, it appears that they sought to merge Appendix A and Q together. It appears therefore that many of the sensitive water bodies in Appendix Q have not been incorporated. This oversight needs to be rectified.

10. **NGĀI TAHU** is willing to participate in mediation.

11. The following documents are attached to this notice:

- (a) a copy of the **NGĀI TAHU** submission and further submission;
- (b) a copy of the relevant decision; and

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

**DATED** this 17<sup>th</sup> day of May 2018



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J G A Winchester  
Counsel for Ngāi Tahu

**Address for service of person wishing to be a party:**

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**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,—

- (a) 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
- (b) 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, or 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.



**ANNEXURE A**

**COPIES OF NGĀI TAHU SUBMISSION AND FURTHER SUBMISSION**

## **ANNEXURE B**

### **COPY OF THE DECISION OF SOUTHLAND REGIONAL COUNCIL**

**This comprises:**

- (a) The Report and Recommendations of the Panel;
- (b) Appendix A – decisions on submissions;
- (c) Appendix B1 – Part A of the proposed plan with tracked changes;
- (d) Appendix B2 – Part A of the proposed plan (clean version); and
- (e) Appendix C – reference material.

**ANNEXURE C**  
**NAMES AND ADDRESSES OF PERSONS TO BE SERVED WITH A COPY OF THIS**  
**NOTICE**