

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KOOTI TAIAO O AOTEAROA
KI OTAUTAHI**

ENV-2018-CHC-000030

IN THE MATTER of the Resource Management Act 1991
AND appeals under clause 14 of the First Schedule of the Act
BETWEEN **WILKINS FARMING CO LIMITED**
Appellant
AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

**STATEMENT OF S274 EVIDENCE OF SHARON GAIL DINES
TOPIC B TRANCHE 1**

4 FEBRUARY 2022

Counsel instructed:
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MAY IT PLEASE THE COURT:

Introduction

1. My full names is Sharon Gail Dines.
2. My role, qualifications and experience are set out in paragraphs 2-5 of my statement of evidence dated 20 December 2021.

Code of Conduct

3. I have read and am familiar with the Code of Conduct for Expert Witnesses in the current Environment Court Practice Note (2014). I have complied with it in the preparation of this evidence and will follow the Code when presenting this evidence. I also confirm that the matters addressed in this statement of evidence are within my area of expertise, except where I rely on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Scope of Evidence

4. The Court's Record of Pre-Hearing Conference Timetable Direction for Topic B issued 22 October 2021 directed evidence in chief for s274 parties to be filed on 4 February 2022.
5. Wilkins Farming Co Limited (**Wilkins**) engaged me in October 2021 to provide planning advice, attend mediation and witness conferencing and prepare evidence in respect of the unresolved points of their appeal and section 274 notices on the proposed Southland Water and Land Plan (**pSWLP**).
6. Wilkins position on the unresolved points of their appeal and section 274 notices is set out in the Memorandum of Counsel Confirming Relief to be Sought dated 27 October 2021 from Ms Carruthers.
7. I prepared a Will Say statement on those same matters on 12 November 2021 and participated in witness conferencing in November and December 2021.

8. This evidence addresses the provisions to which Wilkins is a s274 party that fall within Topic B5 Farming, namely Issues 36 and 49.
9. In preparing this evidence, I have read and considered relevant sections of the following documents:
 - (a) The pSWLP Decisions Version, 1 March 2021;
 - (b) Section 42A Hearing Report and Reply Report;
 - (c) The Report and Recommendations of the Hearing Commissioners dated 29 January 2018;
 - (d) Wilkins' Appeal;
 - (e) The Topic A Interim Decisions;
 - (f) Topic B Overview Evidence from the Regional Council, 22 October 2021;
 - (g) Will Say statement of Mr Matthew McCallum Clark and associated Council "preferred relief";
 - (h) The Joint Witness Statements (**JWS**) of the Farms Systems Experts, 22 November and 6 December 2021;
 - (i) The JWS of the Water Quality Experts, 24-26 November 2021;
 - (j) The JWS's of the Planning Experts, 17-19 November 2021 and 10 December 2021;
 - (k) The evidence of the other appellants dated 20 December 2021;
 - (l) The National Policy Statement for Freshwater Management 2020 (**NPSFM**);
 - (m) The National Environmental Standard for Freshwater Management 2020 (**NESF**);
 - (n) The Southland Regional Policy Statement 2017 (**RPS**);
 - (o) The Southland Intensive Winter Grazing NES Advisory Group report dated 10 December 2020;
 - (p) The evidence of Mr Sean Wilkins.

Background

10. Wilkins submitted on the notified version of the pSLWP.
11. Wilkins lodged an appeal to the Environment Court of the decisions version of the pSWLP.
12. Wilkins lodged s274 notices on the appeals of Aratiatia Livestock Limited (**Aratiatia**), Campbells Block Limited, Peter Chartres, Robert Grant, Stoney Creek Station Limited and The Terraces.
13. Wilkins' interests in Topic B5 (Farming) that I did not address in my evidence dated 20 December 2022 are as a s274 party on Issues 36 and 49.

Topic B5: Issue 36 and 49

Relief sought

14. In respect of Topic B5, Issue 36 and 49, in their s274 notice on the appeals of Robert Grant and Campbell's Block, Wilkins supported the request to amend Rule 20(a)(ii)(1) in the Decisions version of the pSWLP as follows:

From 1 May 2019, intensive winter grazing does not occur on more than 15% of the area of the landholding ~~or 100 hectares, whichever is the lesser area;~~
15. Robert Grant and Campbell's Block lodged notices to withdraw their appeals however the Environment Court has refused those in respect of Rule 20(a)(iii)(1) so that the appeal remains live and Wilkins can continue to pursue the relief sought.
16. While Issues 36 and 49 were listed as discrete issues, they relate to the same rule and relief sought.
17. In summary, Wilkins' reasons for supporting the deletion of "or 100 hectares, whichever is the lesser area" were that the Decisions version of the rule: unjustifiably penalises properties greater than 667 hectares; does not necessarily promote the improvement of water quality and reduction in water quality; is arbitrary and impractical; and will create

unnecessary costs and compliance requirements. Wilkins seeks the rule read:

From 1 May 2019, intensive winter grazing does not occur on more than 15% of the area of the landholding.

18. The evidence of Mr Wilkins explains how the 15% restriction will result in changes on-farm. He also explains the problems that would be created if the 100ha restriction was retained. These limits are discussed in the decision report on the pSWLP. The decision report states:¹

The notified 20 hectare and 50 hectare physiographic zone specific permitted activity thresholds for intensive winter grazing were the focus of much opposition from submitters. Following an assessment of the issues raised, the section 42A authors recommended that the notified thresholds be replaced by a single threshold applying across all physiographic zones that would allow up to 15% of the area of a landholding, or 100 hectares, whichever is the lesser, to be grazed. The authors advised:

“Officers consider this to be a measured response to the potentially significant issue of contaminant loss from intensive winter grazing practices, particularly intensive winter grazing practices that are poorly managed An upper limit is considered appropriate, as a large area of intensive winter grazing, potentially in a catchment already suffering water quality issues, or in a location that has higher risk, ought to be managed through a resource consent process to ensure the pSWLP outcomes will still be achieved....”

The section 42A authors advised that the recommended approach outlined above would capture 534 properties whereas the notified provisions would have captured 308 properties.

We note that the aim of a permitted activity threshold is to capture, through a consenting process, activities that have the potential to generate adverse effects if not appropriately managed. Having regard to the submissions received and the evidence presented, we agree that a threshold comprising a flat percentage of a landholding would be clear, fair and simple to implement and a more effective means of achieving the objectives of the Plan. We also agree that an upper limit (or cap) on the area of land able to be used for intensive winter grazing as permitted activity should be imposed. Based on the evidence we heard from submitters regarding their typical areas of winter crop, we accept that

¹ Report and Recommendations of the Hearing Commissioners, 29 January 2018, page 41, paragraphs 188-190

a 100 hectare upper cap on the area of intensive winter grazing allowed to occur as a permitted activity before a resource consent is required is both practicable and appropriate for Southland.

19. In my opinion, the limits imposed are arbitrary and chosen for their simplicity to implement rather than being a tailored effects-based response. The Farm Environment Management Plan requirements have been strengthened considerably in the Council's "preferred relief" (discussed below) and provides a more targeted nuanced approach to the management of environmental effects from farming, including IWG. The Farm Environment Management Plan requirements were strengthened further during witness conferencing. As a result, and as discussed further in my analysis below, I question the need for a 100-hectare limit to be retained.

Council's "Preferred Relief"

20. The Southland Regional Council provided a set of tracked change provisions to parties on 11 November 2021.
21. In this set of provisions, the Council proposed to move the intensive winter grazing (**IWG**) provisions contained in Rule 20(a)(iii) of the decisions version of the pSWLP to a new Rule 20A and make a number of amendments.
22. The clause of interest to Wilkins Farming was included as Rule 20A(a)(i) and proposed to be amended as follows:

~~from 1 May 2019, intensive winter grazing does not occur on more than 15% of the area of the landholding or 100 hectares, whichever is the lesser area~~ 50ha or 10% of the area of the land holding, whichever is the greater; and

23. This proposed to change:
- (a) the 15% restriction to 10%;
 - (b) the 100ha restriction to 50ha;
 - (c) the selection tool between the options from lesser to greater.

24. Additional changes proposed to the IWG rule include:
- (a) Removing other references to the date of 1 May 2019;
 - (b) Increasing the stock exclusion distance from a range of water features that are not significant or sensitive from 5 metres to 10 metres;
 - (c) excluding stock from, and cultivation of, critical source areas within the intensive winter grazing area when intensive winter grazing is occurring; and
 - (d) renumbering and a range of wording and grammatical changes that seek to improve the readability of the rule.
25. Mr McCallum-Clark in his Will Say Statement dated 11 November 2021 states² that much of the content of his proposed Rule 20A is based on the NESF and the Southland Intensive Winter Grazing Advisory Group (**Advisory Group**) outcomes.
26. **Attachment A** is a letter sent by Ms Carruthers on 14 December 2021 in response to this Will Say Statement. **Attachment B** is the response received from Council on 23 December 2021.
27. This confirms that a section 32AA analysis of the proposed changes to the IWG provisions has not been prepared by Southland Regional Council. No reasons have been provided as to why greater restrictions are now considered necessary in Southland.

Expert Conferencing and Joint Witness Statement

28. In the Planning JWS #1 dated 18 November 2021, the planners posed questions to the farm systems experts.
29. Expert conferencing proceeded as if the Council's "preferred relief" document was the base document, rather than the decisions version of pSWLP.

² Will Say Statement of Mathew McCallum-Clark, paragraph 16, page 6.

30. In respect of the area of land subject to IWG, Question 14 was:

Is it possible to increase the land area subject to IWG from 10% to 15% of the farm area without increasing adverse environmental effects?

31. As noted above, the decisions version of the pSWLP is 15% so it is not an “increase” to retain the 15%. It is, however, an increase to 15% if the “100ha hectares, whichever is the lesser area” is removed from the rule as requested by Wilkins.

32. In response, the farm systems experts answered:

Yes, providing;

1. Other practices are implemented that mitigate any potential increases in nutrient loss risk. And/or,
2. Crop type was changing to one with a lower environmental footprint. e.g going from a brassica to fodder beet³ (specifically in relation to nitrate leaching losses) And/or,
3. Wintering system type was changing. e.g from crop based to pasture based (in relation to sediment and phosphorus, and potentially nitrogen, because of plant material left after grazing). And/or,
4. Adoption of minimal/nil tillage crop establishment (sediment loss)

And providing that an appropriate and robust assessment process can verify that these measures will at least offset the (otherwise) expected increases in contaminant discharges if winter grazing areas are increased from 10 to 15%.

33. I take from this that there are a range of IWG practices that can be used on a farm to reduce or minimise nutrient and sediment loss.

Appellant Evidence

34. No appellants have provided evidence supporting the reduction in the IWG land area in Rule 20A(a)(1).

³ I have been advised by Mr Wilkins' that the two crop types referred to in this example are highly likely have been inadvertently transposed as brassica crops leach less nitrogen than fodder beet.

Analysis

35. Mr Wilkins describes the pasture/crop rotation cycle used by Wilkins and how this has been developed over many years taking into account site specific factors and a desire to reduce environmental effects while maintaining animal welfare and crop production.
36. Mr Wilkins elaborates on Wilkins' concerns about restricting IWG to less than 15%. I understand Mr Wilkins to be saying that:
- (a) reducing IWG to 100 hectares is not feasible on the Wilkins farms.
 - (b) reducing IWG below 15% of the land holding on Wilkins' properties will reduce pasture health and productivity by lengthening the rotation period, and require a change to higher yielding crops in their rotation cycle or the introduction of additional imported supplements together with an increase in the use of imported fertiliser to provide sufficient feed for their farming operation.
37. I understand this is likely to result in an increase in nutrient losses from the farming activity rather than the reduction that the objectives and policies of the pSWLP are seeking to achieve. This would be a perverse outcome.
38. In her evidence for Federated Farmers at paragraphs 57-62, Ms Hunt⁴ outlines similar concerns to those raised by Mr Wilkins and suggests that better outcomes would be achieved if an area restriction was removed entirely.
39. The Advisory Group expresses similar concerns in its report. The Advisory Group was established following a hui with the Ministers for Primary Industry and Environment in Southland. It is made up on two Southland farmers, Beef & Lamb New Zealand, Dairy NZ, Environment Southland, Federated Farmers and Fish & Game. Te Ao Marama Incorporated and staff from Local Government New Zealand, the Ministry for the Environment and Ministry of Primary Industries

⁴ Evidence of Ms Bernadette Ellen Hunt, 20 December 2021, page 15

participated as observers. The purpose of the Group was to produce concise, practical recommendations to address implementation concerns with the Intensive Winter Grazing elements of the NESF. The Advisory Group produced a report that was presented to the Ministers in December 2020⁵.

40. Regarding the area limit on IWG in Regulation 26(4)(a) of the NESF the Advisory Group report states:

This condition will likely drive the wrong behaviours and could stifle innovation, such as encouraging farmers to operate their winter grazing more intensively to stay within the condition, and/or discouraging them from changing to lower yielding or mixed crops which may provide better environmental outcomes.

41. The same is true of the Council's "preferred relief", and if the 100ha restriction is retained in the rule.
42. I consider that the Farm Environment Management Plan requirements in Appendix N will provide the appropriate and robust assessment process called for by the farm systems experts. The requirements of the Farm Environment Management Plan are comprehensive, cover intensive winter grazing and require, amongst other things, nutrient and sediment losses from farming activities to be avoided where practicable or otherwise minimised. The certification, auditing and review requirements are also comprehensive. Certifiers and auditors have to be approved by the Chief Executive of Southland Regional Council and certifiers have the ability to decline certification.
43. I do not consider it appropriate to impose permitted activity conditions that are likely to result in increases in contaminants being discharged to waterways. This would be a perverse outcome. In my opinion and based on the evidence of Mr Wilkins, Ms Hunt and the Advisory Group, an area of 15% of the total land holding could be used for intensive winter grazing without increasing contaminant losses from the land. Constraining the intensive winter grazing land area to 10% of the landholding or 100ha could result in perverse outcomes for water quality in areas where farmers also change their forage crop type to

⁵ Southland Intensive Winter Grazing NES Advisory Group, 10 December 2020, page 5

high yielding crops or import supplements to provide sufficient feed while still meeting the limits.

44. I therefore consider the permitted activity standard should read as follows:

intensive winter grazing does not occur on more than 15% of the area of the landholding.

Response to Council's Preferred Relief

45. If retaining the 15% land area is not acceptable to the Court, an alternative may be to provide a pathway in the permitted activity rule to allow those who cannot meet the conditions to show how adverse effects will be mitigated via their Farm Environment Management Plan. This could be achieved by including a new clause (aa) in Rule 20A following Rule 20A(a) as follows, and as also proposed by Mr Wilson, the planner for Federated Farmers⁶:

(aa) Intensive winter grazing is a permitted activity if it occurs on more than 50 ha and on more than 10% of the landholding and a certifier certifies, in accordance with Appendix N Part C, that the adverse effects (if any) allowed by the winter grazing plan in a Farm Environment Management Plan are no greater than those allowed by 20A(i)-(v).

46. This would be more consistent with the NESF than the Council's "preferred relief".
47. The IWG provisions of the NESF state:

26 Permitted activities

- (1) The use of land on a farm for intensive winter grazing is a permitted activity if it complies with the applicable condition or conditions.
- (2) The following discharge of a contaminant is a permitted activity if it complies with the applicable condition or conditions:
 - (a) the discharge is associated with the use of land on a farm for intensive winter grazing; and
 - (b) the discharge is into or onto land, including in circumstances that may result in the contaminant (or any

⁶ Evidence of Peter Gordon Wilson, paragraph 6.4, page 10.

other contaminant emanating as a result of natural processes from the contaminant) entering water.

Conditions

- (3) The condition is that the intensive winter grazing must be undertaken in accordance with the farm's certified freshwater farm plan if—
- (a) the farm has a certified freshwater farm plan that applies to the intensive winter grazing; and
 - (b) a certifier has certified that the adverse effects (if any) allowed for by the plan in relation to the intensive winter grazing are no greater than those allowed for by the conditions in subclause (4).
- (4) In any other case, the conditions are that -
- (a) at all times, the area of the farm that is used for intensive winter grazing must be no greater than 50 ha or 10% of the area of the farm, whichever is greater; and
 - (b) the mean slope of a paddock that is used for intensive winter grazing must be 10 degrees or less; and
 - (c) on a paddock that is used for intensive winter grazing,—
 - (i) pugging at any one point must not be deeper than 20 cm, other than in an area that is within 10 m of an entrance gate or a fixed water trough; and
 - (ii) pugging of any depth must not cover more than 50% of the paddock; and
 - (d) livestock must be kept at least 5 m away from the bed of any river, lake, wetland, or drain (regardless of whether there is any water in it at the time); and
 - (e) the land that is used for intensive winter grazing must be replanted as soon as practicable after livestock have grazed the land's annual forage crop (but no later than 1 October of the same year).
48. Regulation 27 makes IWG that does not comply with Regulation 26 a restricted discretionary activity requiring a resource consent.
49. The Advisory Group helpfully summarise the IWG regulations in the NESF as a 'three-pathway approach'⁷ as follows:
1. Enables the lowest risk winter grazing to be carried out as a permitted activity within specified conditions (Clause 26(4)).
 2. Allows those who cannot meet the specified conditions to show how adverse effects will be mitigated via a certified

⁷ Southland Intensive Winter Grazing NES Advisory Group, 10 December 2020, page 8

freshwater farm plan, and therefore proceed, with that, as a permitted activity⁸.

3. Where specified conditions cannot be met, and where adverse effects from those cannot be shown to be mitigated in a certified freshwater farm plan, a restricted discretionary consent is required⁹.

50. As noted above regarding the area limit on IWG in Regulation 26(4)(a) of the NESF, the Advisory Group report states:

This condition will likely drive the wrong behaviours and could stifle innovation, such as encouraging farmers to operate their winter grazing more intensively to stay within the condition, and/or discouraging them from changing to lower yielding or mixed crops which may provide better environmental outcomes. An alternate improvement would be a focus on the amount of feed provided from the farm during the winter period.

Additional challenges associated with this condition are:

- Measurability in the field is very impractical from an enforcement perspective
- Flexibility for farmers is removed, for (sic) example, in a poor growth year where crop yields are low, additional areas of alternative crops (such as turnips or rape) may need to be sown late to provide enough stock feed for the winter period.

However as long as the second pathway exists, enabling farmers to show how the use of larger land area for winter grazing may achieve better environmental outcomes, we are not recommending a change to it.

51. The critical “second pathway” is missing from the Council’s “preferred relief”. The additional clause proposed by Mr Wilson, the planner for Federated Farmers, achieves greater consistency with the NESF.

Section 32AA RMA Evaluation of Area Limits on Intensive Winter Grazing

52. These provisions form part of Rule 20A of the pSWLP which sets out requirements for permitted IWG activities. In my opinion, Rule 20A is intended to assist with the implementation of Policies 13 and 16 which in turn are intended to contribute to achieving a number of the objectives of pSWLP. These objectives include Objective 3, Objective 6 and Objective 13 in particular, while also achieving the overall outcomes sought by Objectives 1 and 2 noting that, as set out in the

⁸ See Regulation 26(3)

⁹ See Regulation 27

Interpretation Statement included in the pSWLP, these two objectives are fundamental to the plan.¹⁰

53. Objective 1 and 2 are foundational to the plan and are required to be at the forefront of all discussions and decisions about water and land.⁶ In this context, I understand that Objective 3 recognises, subject to Objective 1 and 2, that water and land are enablers of economic, social and cultural wellbeing. Objective 6 requires, at the same time, for water quality in each freshwater body, coastal lagoon and estuary to be maintained where it is not degraded and improved where it is degraded by human activities. Objective 13 allows the use of land and soils to enable the economic, social and cultural wellbeing of the region provided soil resources are not irreversibly degraded through landuse activities or discharges to land; the health of people and communities is safeguarded from adverse effects of discharges of contaminants to land and water; and ecosystems are safeguarded.
54. Policy 13 elaborates on Objectives 3 and 13 and links to Policies 15A-C which elaborate on Objective 6. Policy 16 specifically manages farming activities that affect water quality and Rule 20A (along with Rule 20) is intended to implement Policy 16. Read together, and in summary, I understand the Objectives and Policies to mean that subject to Objective 1 and 2, the use of land and water, including for farming activities is to be allowed provided water quality is maintained where it is good and improved where it is degraded.
55. In my opinion, amending Rule 20A(a)(i) to read as set out below in combination with the other permitted activity standards in Rule 20A and requirements for Farm Environment Management Plans in Appendix N will better achieve the objectives and policies of the pSWLP than either the decisions version of the pSWLP or the alternative “preferred relief” proposed by Southland Regional Council in November 2021.

intensive winter grazing does not occur on more than 15% of the area of the landholding.

¹⁰ Paragraph's [9]-[10] of Environment Court Second Interim Decision.

S.G.D.

Sharon Gail Dines

4 February 2021

Attachment A

Attachment B

Date: 14 December 2021

For: Environment Southland c/- Wynn Williams

Topic B5, Issues 36 and 49: Intensive Winter Grazing on 15% of landholding

1. On 11 November 2021 the Council circulated tracked change provisions it “proposed in response to parties’ relief sought”.
2. The Council proposed to delete the Intensive Winter Grazing (**IWG**) permitted activity rule in Rule 20(a)(iii) and introduce a new IWG permitted activity rule as Rule 20A(a). In doing so it proposed to amend the spatial control on IWG as follows:

intensive winter grazing does not occur on more than ~~15% of the area of the landholding or 100~~ 50 hectares or 10% of the area of the landholding, whichever is the ~~lesser area~~ greater;

3. Wilkins Farming Co Limited (**Wilkins**) is opposed to the proposed reduction from 15% to 10%. It has explained why in the Will Say statement of Ms Sharon Dines filed on 12 November 2021.
4. The Will Say statement from Mr Matthew McCallum-Clark on 11 November 2021 states:
 - (a) At paragraph 13(e) that a “main feature” of the “integrated package” of proposed changes was:

*A more stringent consenting threshold for **new or expanded** dairy farming and **intensive winter grazing**.*

(emphasis added)

- (b) At paragraph 16 that the proposed amendment discourages:

*...further **expansion** of intensive winter grazing in Southland.*

(emphasis added)

5. The Joint Witness Statement of the Planning Experts dated 10 December 2021 (**10 December JWS**) records the proposed amendment at paragraph 33. Mr McCallum-Clark is referred to as “MMC” in the 10 December JWS. It is unclear why Mr McCallum-Clark approached the retention of 15% as “the addition of a rule to enable IWG on greater than 10%” or “an increase” from 10%. The decision version of the pSWLP is 15%.
6. I accept that Mr McCallum-Clark’s evidence will, in due course, need to:
 - (a) correct the record and explain that the proposed amendment does not only apply to new or expanded intensive winter grazing but affects all existing intensive winter grazing practices;

- (b) evaluate this amendment to the pSWLP in accordance with s32 and/or s32AA and give his reasons for the reduction from 15% to 10%;¹ and
 - (c) address s43A(5) given the amendment makes the IWG rule more stringent than the NES Freshwater (which will prevail).²
7. However, that evidence will not be provided by the Council until 11 February 2022.
8. Wilkins has therefore been placed in a position where:
- (a) It needs to file and serve evidence in support of the Council decision to use 15% of the area of the landholding as the consent trigger for IWG by 4 February 2022;
 - (b) It has only 7 working days in which to respond to the Council evidence when it is received on 11 February 2022.
9. I therefore request, as a matter of urgency:
- (a) A copy of all s32 and/or s32AA evaluations undertaken prior to 11 November 2021 to support the reduction from 15% to 10%;
 - (b) Clarification as to whether the Council's intent is to capture only new or expanded IWG (as suggested in the Will Say statement); and
 - (c) Confirmation of the meeting at which the Council agreed to reduce the area of landholding able to be used for IWG without consent from 15% to 10%, and the Councillors present for the resolution to do so – together with a copy of the Resolution.
10. Delay with the provision of the requested information may result in Wilkins requesting an extension to the evidence timetable. I would therefore appreciate if you could provide the information no later than 24 December 2021.
11. In the event the information does not exist, I encourage the Council to reconsider its position and agree to:

intensive winter grazing does not occur on more than 15% of the area of the landholding.

Kind regards



Bronwyn Carruthers

¹ As acknowledged in his Topic B Overview Evidence, paragraph 33(i).

² As acknowledged in his Topic B Overview Evidence, paragraph 45.

Bronwyn Carruthers

From: Alyssa Langford <Alyssa.Langford@wynnwilliams.co.nz>
Sent: Thursday, 23 December 2021 10:49 am
To: Bronwyn Carruthers
Cc: Philip Maw
Subject: RE: pSWLP - Wilkins - Topic B5 - Issues 36 & 49 [WW-ACTIVE.FID195730]

Dear Bronwyn,

This email responds to your letter dated 14 December 2021 regarding Topic B5 Issues 36 and 49.

In response to your requests at paragraph 9:

- In re (a), written evaluations in accordance with sections 32 and/or 32AA were not prepared ahead of the expert conferencing sessions. The evidence in chief now filed by the appellants may provide the section 32 analysis you are after. If not, Mr McCallum-Clark's evidence will provide such analysis in due course.
- In re (b), Mr McCallum-Clark has confirmed that the proposed rule does (and the existing rule always has) applied to existing as well as new intensive winter grazing. The phrase "a more stringent consenting threshold" was a reference to the move to non-complying activity status, rather than discretionary, for intensive winter grazing that did not meet the restricted discretionary activity criteria.
- In re (c), the general direction of travel along with the specific changes proposed by Mr McCallum-Clark were discussed with Councillors at workshop sessions in September and October, and later confirmed under delegated authority. There is no formal resolution and we do not have the information available to confirm the Councillors present at the workshop.

Kind regards,
Alyssa

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*From Monday 6 December in Auckland and Wednesday 15 December in Christchurch and Queenstown, when visiting our offices, you will be required to be fully vaccinated against COVID-19. We ask that you have your **My Vaccine Pass** on hand when you arrive.*

From: Bronwyn Carruthers <bcarruthers@shortlandchambers.co.nz>
Sent: Tuesday, 14 December 2021 12:22 PM
To: Philip Maw <philip.maw@wynnwilliams.co.nz>; Alyssa Langford <Alyssa.Langford@wynnwilliams.co.nz>
Subject: pSWLP - Wilkins - Topic B5 - Issues 36 & 49

Afternoon both,

Please find attached my letter of today's date regarding Topic B5, Issues 36 & 49.

Kind regards
Bron

Bronwyn Carruthers

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NOTE: This email is intended solely for the use of the Addressee and may contain information that is confidential or subject to legal professional privilege.

Our offices will be closed from 5.00pm Thursday 23 December 2021 and will reopen at 8.30am on Thursday 13 January 2022. Please visit our website for emergency contact details during this time. Wishing you and your whānau a safe and happy holiday season.

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