

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

UNDER the Resource Management Act 1991

IN THE MATTER of appeals under Clause 14 of the First Schedule of the Act

BETWEEN **TRANSPower NEW ZEALAND LIMITED**
(ENV-2018-CHC-26)

FONterra CO-OPERATIVE GROUP
(ENV-2018-CHC-27)

HORTICULTURE NEW ZEALAND
(ENV-2018-CHC-28)

ARATIATIA LIVESTOCK LIMITED
(ENV-2018-CHC-29)

(Continued next page)

**MEMORANDUM OF COUNSEL FOR DAIRYNZ LIMITED,
FONterra CO-OPERATIVE GROUP LIMITED, AND MERIDIAN
ENERGY LIMITED REGARDING TOPIC B MEDIATIONS**

9 December 2020

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WILKINS FARMING CO(ENV-2018-CHC-30)

**GORE DISTRICT COUNCIL, SOUTHLAND DISTRICT COUNCIL
& INVERCARGILL DISTRICT COUNCIL**

(ENV-2018-CHC-31)

DAIRYNZ LIMITED

(ENV-2018-CHC-32)

H W RICHARDSON GROUP

(ENV-2018-CHC-33)

BEEF + LAMB NEW ZEALAND

(ENV-2018-CHC-34 & 35)

DIRECTOR-GENERAL OF CONSERVATION

(ENV-2018-CHC-36)

SOUTHLAND FISH AND GAME COUNCIL

(ENV-2018-CHC-37)

MERIDIAN ENERGY LIMITED

(ENV-2018-CHC-38)

ALLIANCE GROUP LIMITED

(ENV-2018-CHC-39)

FEDERATED FARMERS OF NEW ZEALAND

(ENV-2018-CHC-40)

HERITAGE NEW ZEALAND POUHERE TAONGA

(ENV-2018-CHC-41)

STONY CREEK STATION LIMITED

(ENV-2018-CHC-42)

THE TERRACES LIMITED

(ENV-2018-CHC-43)

CAMBELL'S BLOCK LIMITED

(ENV-2018-CHC-44)

ROBERT GRANT

(ENV-2018-CHC-45)

**SOUTHWOOD EXPORT LIMITED, KODANSHA TREEFARM
NEW ZEALAND LIMITED, SOUTHLAND PLANTATION FOREST
COMPANY OF NEW ZEALAND**

(ENV-2018-CHC-46)

**TE RUNANGA O NGĀI TAHU, HOKONUI RUNAKA, WAIHOPAI
RUNAKA, TE RUNANGA O AWARUA & TE RUNANGA O
ORAKA APARIMA**

(ENV-2018-CHC-47)

PETER CHARTRES

(ENV-2018-CHC-48)

RAYONIER NEW ZEALAND LIMITED

(ENV-2018-CHC-49)

**ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW
ZEALAND**

(ENV-2018-CHC-50)

Appellants

AND

SOUTHLAND REGIONAL COUNCIL

Respondent

MAY IT PLEASE THE COURT

- 1 This joint Memorandum is filed on behalf of DairyNZ Limited, Fonterra Co-operative Group Limited (**the Dairy Interest parties**), and Meridian Energy Limited (**Meridian**) in respect of the appeals against the proposed Southland Water and Land Plan (**the Appeals**), and relates to the allocation and timetabling for the topics and issues to be mediated in 2021.
- 2 For the purposes of this memorandum, the Dairy Interest parties and Meridian will be referred to as the Parties to this Memorandum.
- 3 In its Memorandum of Counsel dated 25 September 2020, the Southland Regional Council (**the Council**) included a table outlining the proposed topics and issues for Topic B. A copy of the topic and issue allocation table is attached as **Appendix 1 (the table)**.
- 4 As set out below, the Parties to this Memorandum respectively make two proposals in respect of the table:
 - 4.1 The Dairy Interest parties consider that the ephemeral river issue would be better dealt with under the Topic B5 (Farming) for the reasons explained below; and
 - 4.2 Meridian consider that all appeals on Appendix E, should be dealt with under Topic B2 for the reasons explained below.

Ephemeral Rivers

- 5 As per the table, the overarching issue of whether ephemeral rivers should be excluded from the provisions of the plan has been allocated to Topic B7 (Other).
- 6 For resource allocation and efficiency reasons, the Dairy Interest parties consider that the ephemeral rivers issue would be better dealt with together with rule 20 (and other provisions where ephemeral rivers are specifically excluded - including policy 18, rule 25, rule 35A, and rule 70) under Topic B5 (Farming) (**the Dairy Interest proposal**).
- 7 Counsel has conferred with all parties with an interest in the Appeals, to canvas support for the Dairy Interest proposal.
- 8 An email was sent outlining the Dairy Interest proposal on 24 November 2020 and seeking the views of other interested parties. Responses were received from the following parties, none of which opposed the Dairy Interest proposal:
 - 8.1 Southland Regional Council;

- 8.2 Heritage New Zealand;
 - 8.3 Meridian Energy Limited;
 - 8.4 Transpower New Zealand Limited;
 - 8.5 Royal Forest and Bird Protection Society of New Zealand Incorporated;
 - 8.6 Southland Fish and Game Council;
 - 8.7 Director-General of Conservation;
 - 8.8 Ngā Rūnanga¹; and
 - 8.9 Federated Farmers of New Zealand.
- 9 No response was received from any of the other parties.
- 10 Of note, while Ngā Rūnanga is generally comfortable with the Dairy Interest proposal, Counsel raised the view that there needs to be some certainty on the interpretation of the term ephemeral river before it is discussed in the context of the plan provisions (such as rule 20) and therefore, consider that the ephemeral river issues need to be dealt with at the front end of the mediations. The Dairy Interest parties consider that provided the ephemeral river issue is dealt with at the commencement of Topic B5, this ought to adequately address Ngā Rūnanga's concern.

Appendix E

- 11 As per the table, the appeals on Appendix E are split between Topics B2 and B6.
- 12 Receiving Water Quality Standards have been allocated to Topic B2, and the exclusion relating to standards that cannot be met due to the effects of the operation of the Manapōuri Power Scheme has been allocated to Topic B6.
- 13 In the interests of efficiency, and to ensure Appendix E is considered in an integrated and encompassing way, Meridian consider that it is desirable to have all of Appendix E considered together under Topic B2 (**the Meridian Proposal**).
- 14 Counsel has conferred with all parties with an interest in the Appeals, to canvas support for the Meridian proposal.

¹ Comprising Te Rūnanga o Ngāi Tahu, Hokonui Rūnaka, Waihopai Rūnaka, Te Rūnanga o Awarua and Te Rūnanga o Oraka Aparima.

15 An email was sent outlining the Meridian proposal on 25 November 2020 and seeking comment from other interested parties on the proposed sequencing or draft timetable for Topic B6. Responses were received from the following parties, none of which opposed the Meridian proposal:

15.1 Southland Regional Council;

15.2 DairyNZ Limited;

15.3 Fonterra Co-Operative Group;

15.4 Director-General of Conservation;

15.5 Royal Forest and Bird Protection Society of New Zealand Incorporated; and

15.6 Southland Fish and Game Council.

16 No response was received from any of the other parties.

Directions

17 Counsel for the Parties to this Memorandum, respectively seek directions that:

17.1 The ephemeral rivers issue be relocated to Topic B5 (Farming); and

17.2 All matters relating to Appendix E, be relocated to Topic B2 (Water Quality/Discharge).

18 A copy of this memorandum has been circulated to all parties.

Dated 9 December 2020



Katherine Forward

Solicitor for DairyNZ Limited and on behalf of Counsel for Fonterra Co-operative Group Limited.



Stephen Christensen

Counsel for Meridian Energy Limited.

Appendix 1 – the Table

Overview of Topics in Topic B:

<p>Topic B1: Water Takes</p>	<ul style="list-style-type: none"> - Policies 20, 25, 42 - Rules 49, 50, 54 - Appendices J, K, L, S
<p>Topic B2: Water Quality/Discharge (in conjunction with Wastewater and Agricultural Effluent)</p>	<ul style="list-style-type: none"> - Policies 13, 14, 15, 15A, 15B, 15C, 16A, 17, 17A - Rules 5, 6, 9, 13, 14, 15, 26, 28, 29, 32B, 32D, 33, 33A, 35 - Appendices E, G - Definition of 'stormwater'
<p>Topic B3: Wetlands/Indigenous Biodiversity</p>	<ul style="list-style-type: none"> - Policy 32 - Rules 51, 74 - Appendices A, Q - Definitions of 'natural wetland', 'wetland'
<p>Topic B4: Bed disturbance</p>	<ul style="list-style-type: none"> - Policies 28, 29, 30 - Rules 59, 73, 78 - Definitions of 'gravel', 'sediment'
<p>Topic B5: Farming</p>	<ul style="list-style-type: none"> - Policies 16, 18 - Rules 20, 24, 25, 35A, 70 - Appendix N - Definitions of 'intensive winter grazing', 'significant de-vegetation', 'feed pad/lot', 'sloping ground', 'cultivation'
<p>Topic B6: Infrastructure</p>	<ul style="list-style-type: none"> - Policies 26, 26A - Rules 49, 52, 52A, new 52B - Appendix E
<p>Topic B7: Other (remaining provisions)</p> <ul style="list-style-type: none"> - Consent application policies - Burning - Heritage 	<ul style="list-style-type: none"> - Policies 20, 24, 28, 39, 39A, 40 - Rules 32B, 43, 53, 55, 57, 58, 59, 59A, 60, 61, 62, 63A, 64, 66, 67, 68, 72, 73, 75, 77, 78, 79 - Appendices N, S - Section title for bed disturbance

B1 Water takes -Issues	Provisions	Appellants	Comments
Should 'including for primary production' be deleted?	Policy 20(1A)	Ngā Rūnanga Forest & Bird	
Should 'industries that process perishable foods' be deleted, or otherwise clarified?	Policy 25	Ngā Rūnanga	
Is 'avoid, remedy, or mitigate' appropriate to include or should the wording be altered? If so, how?	Policy 20(1) Policy 20(2)	Forest & Bird Fish & Game	
Should the reference to 'water quality' in Policy 20(d)(2) also specify temperature and oxygen content?	Policy 20	Fish & Game	
Is the wording 'will generally only be granted at a reduced rate' appropriate in Policy 42(2)?	Policy 42	Fish & Game Wilkins	
Should Appendix O be referred to by Policy 20, or reflect limits to improving water efficiency in older industrial or trade infrastructure?	Policy 20	Alliance	
Should Policy 42(5) require that Alliance's takes are subject to minimum flows or levels?	Policy 42	Alliance	
Should Rule 49 enable the consideration of all non-consumptive takes, diversions and use of water as a restricted discretionary activity?	Rule 49	Alliance	
Should compliance with Appendix R only apply to permitted activities or be deleted from Rule 49?	Rule 49	Alliance	
Should Rule 49(a)(vi)(1) to (5) be retained or deleted?	Rule 49	Federated Farmers	
Do annual verifications (as required by Rule 49(a)(vii)) provide any greater benefit than 5-yearly verifications?	Rule 49	Federated Farmers	
Should existing priority takes be a controlled activity under Rule 50?	Rule 50	Alliance	
Should Alliance's sites be included in Appendix J as drinking water protection zones?	Appendix J	Alliance	
Should the groundwater zone allocations be based on a different methodology?	Appendix L.5	Wilkins DOC	
Should the rate of take for permitted activity pump testing be removed/amended?	Rule 54(c)	Wilkins	

Should permitted activity water take data be recorded daily or weekly?	Rule 54(a)	Fonterra	
Should the relief sought in submission point 752.186 be granted?	Appendix K	Fish & Game	

B2 Water quality and discharges -Issues	Provisions	Appellant	Comments
Sub-Group – Industrial and Community Discharges			
Should reference to primary production be deleted from this policy?	Policy 13	Fish & Game, Forest & Bird, Ngā Rūnanga	
Should the policy be premised on sustainable use and development?	Policy 13	Forest & Bird	
Should the decision version be replaced with the notified version as it is now no longer protection oriented, or is redundant?	Policy 13	Ngā Rūnanga	
Should Policy 14 only apply if a discharge to land is practicable and appropriate?	Policy 14	Alliance	
Should new and replacement resource consents be treated the same in these policies?	Policies 15A, 15B	Fish and Game	
Should Policy 15, ahead of FMU processes, require maintenance of water quality where Appendix E quality standards are met, and improvement, where practicable, where Appendix E standards are not met, with Policies 15A and 15B being deleted?	Policy 15	Alliance	
Should Policy 15B require more certainty that water quality from existing discharges will be improved?	Policy 15B	Forest & Bird	
Should Policy 15C be deleted as the FMU processes will provide this guidance?	Policy 15C	Ngā Rūnanga, Fish & Game	
Should the decision version of Policies 15A, 15B and 15C be replaced with the s42A report version?	Policy 15	Ngā Rūnanga	
Should the policies require avoidance of adverse effects, or have a hierarchy of avoid, remedy and mitigate, rather than minimisation of effects?	Policies 15, 16A, 17A	Fish & Game, Forest & Bird	
Will BPO always be an adequate response?	Policy 16A	Forest & Bird	
Should the Policy refer to 'progressive' reductions and is that sufficiently specific?	Policy 17A	Ngā Rūnanga	
Should the discharge of any raw sewerage be a non-complying activity?	Rules 5, 6 and 15	Fish and Game, Ngā Rūnanga	
Should the discharge of treated effluent into water be a discretionary activity?	Rule 33A	GDC, SDC, ICC	

Should "stormwater" include other contaminants?		GDC, SDC, ICC	
Should the 20m waterbody setback apply to community sewerage schemes constructed prior to notification of the pSWLP?		GDC, SDC, ICC	
Should discharges into listed wetlands or waterbodies in Appendix A be a non-complying activity?		Fish & Game	
Should achieving the Appendix E water quality standards be a condition of the rules?		Fish & Game, Forest & Bird, Alliance	
Should re-consenting existing discharges be discretionary activities?		Alliance	
Should discharges from stormwater systems, on-site effluent systems, composting and pit toilets be required to be set-back at least 50m from mātaītai reserves and taiāpure?		Ngā Rūnanga	
Should fine sediment be added and MCI, QMCI and Clarity changed?		Fish & Game	
Should the standards be amended so they take appropriate account of existing land use, existing water quality and natural variability?		Alliance	
Should Mataura River at Mataura River Bridge be deleted from the list of popular bathing sites in Appendix G?		Alliance	
Sub-group – Point-source Farming Discharges			
Should the policy require avoidance of (significant) adverse effects, or have a hierarchy of avoid, remedy and mitigate, rather than minimisation of effects?		Fish & Game, Forest & Bird	
Should Policy 17(1) be deleted, as guidance is given by Policies 15 and 16?		Ngā Rūnanga	
Should the requirement to comply with agricultural manufacturers recommendations be deleted?		Director-General of Conservation	
Should further standards be added and existing ones strengthened, including adding Appendix E water quality standards?		Fish & Game, Forest & Bird	
Should an exclusion from standards be added to enable periodic cleaning of drains?		Federated Farmers	
Should the setback be increased to 10m and there be a specification of a minimum width for riparian planting?		Forest & Bird	
Should restrictions apply to natural wetland or all wetlands?		HortNZ	
Should the requirement to map and provide information on sub-surface drains be removed?		Federated Farmers	Note: Issue applicable to multiple provisions

Should the plan clarify that IPENZ practice notes may not be applicable to all above ground tanks?	Policy 17, Rule 32B	Fonterra	
Should only new effluent storage facilities be subject to a setback from drinking water abstraction points?	Rule 32B	Federated Farmers	
Should approval be able to be given by a broader range of suitably qualified people?	Rule 32B	Federated Farmers	
Should the incidental discharges authorised by this rule be subject to a pond drop test?	Rule 32B, 32D	Fonterra	
Should the 35m ³ threshold for inspection and certification be for each component of a system, rather than the whole system?	Rule 32B, 32D	Fonterra	
Should above ground storage tanks be subject to visual inspection, and not require a leak detection system?	Rule 32D	Fonterra	
Should the repair of storage facilities be a permitted activity under this rule?	Rule 32D	Fonterra	

B3 Wetlands and indigenous biodiversity - Issues	Provisions	Appellants	Comments
B3-wide issue – responding to NPSFM 2020 and NES provisions	Most	N/A	
Should Policy 32 include reference to maintaining indigenous biodiversity?	Policy 32	Forest & Bird	
Should minor diversions of water from all wetlands (including Regionally Significant Wetlands) be discretionary or non-complying?	Rule 51	Forest & Bird	
Should commercial peat harvesting in a Regionally Significant Wetland be a non-complying activity?	Rule 74	Fish & Game	
Should Rule 74(c) specify that grazing by stock or drainage activities are land uses?	Rule 74	Fish & Game	
Should additional detail be added to the Note in Appendix A?	Appendix A	Fish & Game	
Should removal of plant species for mahinga kai be included as a purpose under Rule 74(a)?	Rule 74	Ngā Rūnanga	
Should the drainage of any natural wetland be a prohibited activity?	Rule 74	Ngā Rūnanga	
Should Rule 74(ab) be deleted?	Rule 74	Ngā Rūnanga	
Should additional waterbodies from the deleted Appendix Q be incorporated into Appendix A?	Appendix A Appendix Q	Ngā Rūnanga	

Should Appendix A revert to the notified version, by removing the added waterbodies? Should the Regionally Significant Wetlands on the Te Anau Downs station be removed from Appendix A?	Appendix A	Federated Farmers Peter Chartres	
Should the definition of 'natural wetland' be amended?	Definition of 'natural wetland'	Horticulture NZ	
Should either the definition of 'wetland' or references to wetlands in rules be amended?	Definition of 'wetland'	Horticulture NZ	

B4 Bed disturbance - Issues	Provisions	Appellants	Comments
B4-wide issue – responding to NPSFM 2020 and NES provisions	Most	N/A	
Is 'remedy or mitigate' appropriate to include or should the wording be deleted?	Policy 28	F&B	
How are gravel extraction activities able to remedy or mitigate effects on cultural values or recreational values?	Policy 29	HWRG	
Should the adverse effects on significant indigenous vegetation and significant habitat of indigenous fauna be included in the policy?	Policy 29	Forest and Bird	
After gravel extraction should the area be 'restored' or 'enhanced'?	Policy 29	Ngā Rūmanga	
Should the policy include the restoration of riverine habitats also?	Policy 29	DGC	
Should the adverse effects on water quality, aquatic ecosystem health, life supporting capacity, natural character and riparian margins, mahinga kai, indigenous vegetation and fauna be specifically referenced in the policy?	Policy 30	Fish and Game	
Should fish passage, spawning habitat and bank stability be referred to in the policy?	Policy 30	Fish & Game	
Should sediment loss to water from the drainage activities be referenced in the policy?	Policy 30	Fish & Game	
How can network utility structures be recognised when culverts are being installed so as to not compromise the network utilities?	Rule 59	Transpower	
Should the matters of discretion in rule 73(a) and (b) be consistent and should rule 73(b) include reference to natural character, navigation hazard, public access and recreational values?	Rule 73	Fish & Game	
Should a certain level of gravel extraction be provided for as a permitted activity?	Rule 73	Fed Farmers	

How are threatened native fish protected from disturbance associated with drainage maintenance activities?	Rule 78	Forest & Bird	
Should this rule protect taonga species and their habitat that are established in modified watercourses?	Rule 78	Ngā Rūnanga	
Should this rule include a condition requiring that the watercourse is not a habitat of non-migratory galaxiids?	Rule 78	DGC	
Should the rule require the activity to be kept to a minimum and only permit the removal of mud rather than sediment which includes gravel?	Rule 78	DGC	
Should drainage management include a limit of the volume of gravel being extracted as a permitted activity?	Rule 78	Fish & Game DGC	
Should gravel be defined by a particular size of the grain?	Gravel definition	Fish & Game	
Should the pSWLP include a new definition for sediment?	New definition - sediment	Fish & Game	

B5 Farming - Issues	Provisions	Appellant	Comment
B5-wide issue – responding to NPSFM 2020, s360 Regs and NES provisions	Most	N/A	
Sub-topic - Policy 16			
Should Policy 16 be amended to remove reference to the terms “degraded” and “overallocated” given they are not defined in the Plan, and freshwater objectives have not yet been defined?	Policy 16	Fonterra	
Should Policy 16 include the term “strongly” in front of “discouraging” for new intensive farming activities in proximity to regionally significant wetlands and sensitive waterbodies?	Policy 16	Director-General of Conservation, Ngā Rūnanga	
Should Policy 16 strongly discourage the establishment of other intensive farming activities in proximity to regionally significant wetlands and sensitive waterbodies?	Policy 16	Director-General of Conservation	
Should Policy 16 be amended to remove direction for applications submitted following the development of freshwater objectives and limits under the FMU process?	Policy 16	Ngā Rūnanga, Fish & Game	
Should Policy 16 be amended to delete direction on consideration matters for aggregate consents and consent durations?	Policy 16	Ngā Rūnanga	

Should the Policy have a hierarchy of avoid, remedy and mitigate?	Policy 16	Fish & Game	
Should Policy 16 avoid the establishment of any new, or further intensification of existing, dairy farming of cows or intensive winter grazing activities where contaminant losses will increase as a consequence?	Policy 16	Fish & Game	
Should Policy 16 direct that decision makers will strongly discourage granting of any resource consents to establish new activities specified in clause (b) of the policy?	Policy 16	Fish & Game	
If direction for applications submitted following the development of freshwater objectives and limits under the FMU process is not deleted, should amendments be made to direct decision makers to avoid granting consents where freshwater objectives are not being met, and strongly discouraging those where they are being met?	Policy 16	Fish & Game	
Should Farm Environmental Management Plans set out the best practicable option to manage adverse effects and include additional requirements for practices to be implemented and maintained?	Policy 16	Fish & Game	
Should granting a consent duration of at least 5 years only be allowed if it is consistent with Policy 40 to do so?	Policy 16	Fish & Game	
Should Policy 16 ensure that adverse effects on water quality are avoided, and other adverse environmental effects are avoided, remedied or mitigated?	Policy 16	Forest & Bird	
Should "discouraging" be replaced with "avoiding" in Policy 16?	Policy 16	Forest & Bird	
Should the terms "generally" and "or mitigated" be deleted in Policy 16?	Policy 16	Forest & Bird	
Sub-topic – Stock Exclusion			
Should guidance be provided on which waterbodies are considered relevant for contact recreation purposes?	Policy 18	Beef + Lamb 1	
Should the measure or standard that will be used to specify levels of E.coli be stated?	Policy 18	Beef + Lamb 1	
Should the requirement to manage sheep in critical source areas and in catchments where <i>E.coli</i> levels could preclude contact recreation be deleted?	Policy 18	Federated Farmers	
Should Rule 70(e) be expanded to include artificial drains?	Rule 70	Fish & Game	
Should the original 2025 timeframe be retained?	Policy 18	Forest & Bird	
Should "significant" be deleted in relation to adverse effects of stock access?	Policy 18	Forest & Bird, Fish & Game	

Should the chapeau of Policy 18 be amended to avoid where practicable, or otherwise remedy or mitigate, any adverse effects?	Policy 18	Fish & Game	
Should Policy 18(1) state that stock exclusion as set out within the clause be required by 2030 at the latest?	Policy 18	Fish & Game	
Should Policy 18(3) also encourage maintenance?	Policy 18	Fish & Game	
Should Policy 18(4) be amended to include additional adverse effects?	Policy 18	Fish & Game	
Should Policy 18 also require the implementation of a Farm Environmental Management Plan?	Policy 18	Fish & Game	
Should the plan define stock units?	Rule 70	Beef + Lamb 1	Note: wider issue
Should Rule 70 explicitly exempt sheep from stock exclusion rules, so they are not otherwise captured by Rule 4?	Rule 70	Beef + Lamb 1	
Should Rule 70(e) include a condition that there is no significant de-vegetation, pugging or alteration to the profile of the bed and banks?	Rule 70	Fish & Game	
Should Rule 70(e) include a condition that there is no break feeding or supplementary feeding in, over or on the bed?	Rule 70	Fish & Game	
Should Rule 70 include a clause that other than provided for by clauses (c) or (d), the disturbance of the bed [after] the dates in Table 1 is a non-complying activity?	Rule 70	Fish & Game	
Should Table 1 be amended to include all natural wetlands and waterbodies including artificial drains?	Rule 70	Fish & Game, Forest & Bird	
Should the Table 1 dates for dairy support be brought forward from 1 July 2022 to 1 July 2020?	Rule 70	Fish & Game, Forest & Bird	
Should the Table 1 references to break feeding also include supplementary feeding?	Rule 70	Fish & Game, Forest & Bird	
Should Table 1, beef cattle and deer on plains be amended to read the same as the guidance for undulating/rolling and steeper land?	Rule 70	Peter Chartres	
Should the activity status for clause (e) be changed from discretionary to non-complying?	Rule 70	Forest & Bird	
Sub-topic – Winter grazing			
Should the restriction for intensive winter grazing to no more than 15% of the area of the landholding or 100 hectares, whichever is the lesser, be deleted?	Rule 20	Robert Grant	

Should the winter grazing mob size limit of no more than 120 cattle be increased to 200?	Rule 20	Robert Grant	
Should the winter grazing mob size limit of no more than 120 cattle or 250 deer be deleted?	Rule 20	Aratiatia, Wilkins Farming	
Should cattle be removed from the winter grazing mob size limits? Or if not deleted, should the rule include "or equivalent number of young stock at any one time"?	Rule 20	DairyNZ	
Should Rule 20 be expanded to specify that supplementary feed is fed in such a way as to prevent it being trampled into the ground, such as placing the feed in portable feeders or behind an electrified wire?	Rule 20	Aratiatia	
Should Rule 20(a)(iii)(3)(B) refer to areas being break-fed or block-fed behind temporary electric fencing?	Rule 20	Fish & Game	
Should Rule 20(a)(iii)(3)(C) refer to the beds of identified waterbodies?	Rule 20	Fish & Game	
Should Rule 20(a)(iii)(3)(E) be amended to increase the mob (herd) size of cattle from 120 to 200?	Rule 20	Campbells Block; The Terraces; Stoney Creek Station	
Should the dates in Rule 20(a)(iii) be replaced with 31 December 2021?	Rule 20	The Terraces; Stoney Creek Station	
Should Rule 20(a)(iii)(4) be amended to require a 3 metre setback?	Rule 20	The Terraces; Stoney Creek Station	
Does Rule 20(a)(iii)(1) discourage best management practice and nutrient management?	Rule 20	Federated Farmers	
Should "whichever is lesser" in Rule 20(a)(iii)(1) be deleted?	Rule 20	Federated Farmers	
Are the practices listed in Rules 20(a)(iii)(3)(B)-(E) "too blunt" and should they be deleted?	Rule 20	Federated Farmers	
Should "or 100 hectares, whichever is lesser" in Rule 20(a)(iii)(1) be deleted?	Rule 20	Peter Chartres, Campbells Block, Stoney Creek Station	
Should the definition of 'intensive winter grazing' refer to 'fodder crops or pasture to the extent that grazing results in significant de-vegetation'?	Intensive winter grazing	Fish & Game	
Should the months in the definition of 'intensive winter grazing' refer to 'June and August'?	Intensive winter grazing	Stoney Creek Station, The Terraces	

Sub-topic – Rule 20 (other)	Rule 20	Fonterra	
Should a specific exemption from preparing and implementing a Farm Environmental Management Plan be provided for manufacturing operations that discharge to land and which have a specific discharge consent for that purpose? Or as an alternative, should a new definition of farming activity be included that excludes these activities?	Rule 20	Fonterra	
Should a quantitative assessment only be required for modelled nitrogen, and expected changes in other contaminants demonstrated by way of a separate assessment?	Rule 20	Fonterra	
Should the matters for discretion in Rule 20 be amended to ensure water quality will not be adversely affected and ensure that water quality standards, limits, and targets are met?	Rule 20	Beef + Lamb 2	
Should the matters for discretion in Rule 20 discourage land use intensification and conversion which would affect the catchment's ability to meet water quality standards and targets?	Rule 20	Beef + Lamb 2	
Should the matters for discretion in Rule 20 be amended to prevent the allocation of nutrients in the catchment by resource consent?	Rule 20	Beef + Lamb 2	
Should the matters for discretion in Rule 20 be amended to ensure that existing land users and communities are recognised and provided for?	Rule 20	Beef + Lamb 2	
Should Rule 20(aa) be deleted?	Rule 20	Fish & Game	
Should sloping ground be replaced with land with a slope greater than 4 degrees?	Rule 20	Fish & Game	
Should Rule 20 include references to headwater seeps/springs, and tarns?	Rule 20	Fish & Game, Forest & Bird	Note: wider rivers issue
Should stock be excluded from critical source areas?	Rule 20	Fish & Game	
Should there be more requirements for vegetated strips based on slope angle?	Rule 20	Fish & Game	
Should intensive winter grazing setbacks be 100 metres from the outer edge of the bed of any lake, regionally significant wetland or sensitive waterbodies, estuary or the CMA?	Rule 20	Fish & Game	
Should the adoption of the best practicable option to manage effects be required?	Rule 20	Fish & Game	
Should contaminant loss pathways be taken into account in the matters for discretion?	Rule 20	Fish & Game	

Should any adverse effects of the activity to the applicant, community and the environment be included in the matters for discretion?	Rule 20	Fish & Game	
Should additional matters relating to potential adverse effects of the activity on surface and groundwater quality be included in the matters for discretion?	Rule 20	Fish & Game	
Should Rule 20(e) be a non-complying activity?	Rule 20	Fish & Game	
Should a footnote be added to define slope as it is used within Rule 20?	Rule 20	Fish & Game	
Should intensive horticulture be managed by Rule 20(a)?	Rule 20	Forest & Bird	
Should setback distances in Rule 20 be increased?	Rule 20	Forest & Bird	
Should Rule 20(d) be amended to provide a non-complying activity status?	Rule 20	Forest & Bird	
Should reference to physiographic zones be reinstated in Rule 20 as per the Section 42A Report recommendations (with some exceptions) as a mechanism to maintain or improve water quality?	Rule 20	Ngā Rūnanga	
Does Rule 24 accord with s.70 of the RMA and does the Rule meet the legal test for a valid PA rule? Should a requirement be added to maintain or improve water quality in accordance with Appendix E?	Rule 24	Fish & Game, Forest and Bird	
Should there be a definition of 'significant de-vegetation'?	New Definition – Significant de-vegetation	Fish & Game	
Should there be a definition of 'sloping ground'?	New Definition – Sloping Ground	Fish & Game	
Sub-topic - cultivation			
Should the rule allow for cultivation to be undertaken in accordance with the Erosion and Sediment Control Guidelines for Vegetable Production (Hort NZ, 2014)?	Rule 25	HortNZ	
Should Rule 25 be expanded to include headwater seeps/springs and tarns?	Rule 25	Fish & Game	Note: Wider rivers issue
Should Rule 25 have specific set back distances based on slope?	Rule 25	Fish & Game, Forest & Bird	
Should the 5 m setback to waterbodies be reduced to three meters?	Rule 25	Federated Farmers, The Terraces	
Should Rule 25 require that cultivation is not undertaken in critical source areas?	Rule 25	Fish & Game	

Should Rule 25 require that temporary sediment retention system are used when cultivating for the purpose of renewing or establishing pasture?	Rule 25	Fish & Game	
Should subclause (b) of Rule 25 be removed? (Alternate pathway if setback distances are not met)	Rule 25	Fish & Game	
Should matter of discretion 1 for Rule 25 be expanded to included adverse effects on surface and groundwater quality and quantity, aquatic ecosystem health, life-supporting capacity, mahinga kai, outstanding natural features and landscapes, indigenous vegetation and fauna, recreational values, amenity values and natural character?	Rule 25	Fish & Game	
Should mitigation measures for addressing adverse effects be replaced by the best practicable option?	Rule 25	Fish & Game	
Should the maximum land slope be increased from 20 degrees to 30 degrees (or a percentage to be over 20 degrees)?	Rule 25	Federated Farmers; Campbells Block, Robert Grant	
Should a definition of minimum tillage be introduced? (Minimum tillage would be a method that does not turn the soil over.)	Rule 25	Federated Farmers	
Should the matters of discretion for Rule 25 include risks to areas of significant indigenous vegetation and habitats and measures to avoid those risks and risks to the preservation of the natural character of wetlands, lakes, rivers and their margins?	Rule 25	Forest & Bird	
Should the definition of 'cultivation' include harvesting and sediment control measures?	Definition – Cultivation	HortNZ	
Should 'spray and pray' be deleted from the definition of cultivation?	Definition – Cultivation	Stoney Creek Station	
Should 'stick-raking' be excluded from the definition of cultivation?	Definition – Cultivation	Southwood	
Should herbicide spraying be removed from the definition of cultivation?	Definition – Cultivation	Southwood, Rayonier NZ	
Sub-topic – Feed pads and Feed lots			
Should the references to cattle be removed from Rule 35A? If yes, seek consequential amendment to Rule 35.	Rule 35A	Dairy NZ	
Should the references to maximum mob size be deleted?	Rule 35A	Federated Farmers	

Should the maximum period of continuous use be increased from 3 to 6 months?	Rule 35A	Federated Farmers	
Should the setback distance to another feed pad/lot on the same landholding be removed?	Rule 35A	Federated Farmers	
Should sacrifice paddocks be defined?	Rule 35A	Federated Farmers	
Should other materials be available as base materials?	Rule 35A	Federated Farmers	
Should a setback of 50 m to the coastal marine area be included?	Rule 35A	Ngā Rūnanga	
Should 'sacrifice paddock' be removed from the definition of feed pad/lot?	Definition – Feed pad/lot	Federated Farmers	
Sub-topic – Appendix N (FEMPs)			
Should Appendix N include the requirement to show the location of 'any known and recorded heritage site' in Farm Management Plans?	Appendix N	Heritage NZ	
Should a FEMP contain landholding details with respect to the type of farming enterprise(s) undertaken on the property?	Appendix N	Fish & Game	
Should Appendix N require the identification of ephemeral or intermittent rivers and streams?	Appendix N	Fish & Game	
With respect to Part B(3)(h)(iii), should the maximum gradient for slope identification be reduced to 4 degrees?	Appendix N	Fish & Game	
Should Part B include assessments of environmental effects, risks and mitigation measures?	Appendix N	Fish & Game	
Should Part B include objectives and require detail in FEMPs in relation to how each objective will be met?	Appendix N	Fish & Game	
Should Appendix N require timeframes for full implementation of proposed Good Management Practices be recorded in FEMPs?	Appendix N	Fish & Game	
Should Good Management Practices be implemented to avoid, where practicable, or otherwise mitigate effects as oppose to reduce or minimise?	Appendix N	Fish & Game	
Should Appendix N require records be kept with respect to measuring implementation, performance and achievement of Good Management Practices?	Appendix N	Fish & Game	
Has Appendix N become too broad, such that it no longer provides certainty as to what activities will be implemented to achieve Good Management Practice?	Appendix N	Ngā Rūnanga	

Should Part B(5) include Good Management Practices that minimises the effects on taonga species listed in Appendix M and any significant indigenous biodiversity	Appendix N	Ngā Rūnanga	
Sub-topic – ecological and cultural indicators of health			
How should the ecosystem health indicators and cultural indicators of health be incorporated into the pSWLP policies and rules?		Fish & Game, Forest & Bird	
Does contamination by high risk land use activities (such as dairying, intensification, intensive winter grazing, cultivation, activities that affect critical source areas) in areas where receiving environments contain a degraded or at risk waterbody require a consenting regime and/or changes to FEMPs, and if so how should the pSWLP provide for this?		Fish & Game, Forest & Bird	
Are there any jurisdictional constraints in relation to the issues in this sub-topic?		N/A	

B6 Infrastructure - Issues	Provisions	Appellants	Comments
Sub-topic – water takes			
Should Policy 26 be amended to address the issue of reverse sensitivity in relation to renewable electricity activities?	Policy 26	Meridian Energy	
Does Policy 26 give preference to new generation activities in addition to existing renewable sources?	Policy 26	Ngā Rūnanga	
Should Policy 26A be amended to enable adverse effects on the environment to, where practicable, be avoided, remedied or mitigated?	Policy 26A	Transpower	
Should the management of effects from infrastructure be considered under “effects management” policies of the pSWLP?	Policy 26A	Forest & Bird	
Does the ability under Policy 26A to remedy or mitigate effects conflict with requirements to maintain water quality?	Policy 26A	Forest & Bird	
Should Policy 26A be amended to “enable” rather than “provide for” the effective development, operation, maintenance and upgrading of infrastructure?	Policy 26A	Fish & Game	
Is there sufficient 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”?	Policy 26A	Ngā Rūnanga	
Should Rule 49(ab) be extended to address the damming and diversion of surface water?	Rule 49ab	Meridian	

Should Rule 49(ab)(vii) be amended to exclude activities undertaken for the purpose of infrastructure construction, maintenance or repair in connection with the Manapōuri Hydro-electric scheme?	Rule 49ab	Meridian	
Should Rule 49(ab) be listed in the exclusions under Rule 52(a) and 52(b)?	Rule 52	Meridian	
Should there be a new Rule 52(a)(iii) which provides a discretionary activity status where the permitted activity criteria under Rule 49(ab) is unable to be met?	Rule 52	Meridian	
Sub-topic – Waiau/Manapōuri			
Should Policy 26 be amended to require increases to the minimum flow requirements in the Waiau River?	Policy 26	Aratiatia, Federated Farmers	
Should all abstraction, diversion, damming and use of water from the Waiau catchment, except as provided by Rules 49, 50 or 51 or RMA s 14(3), be a non-complying activity?	Rule 52	Forest & Bird	
What is the appropriate activity status for water takes for the Manapōuri Hydro-electric Generation Scheme?	Rule 52A	Aratiatia, Forest & Bird, Federated Farmers, Ngā Rūnanga	Grouped - variations of this in each appeal
Should Rule 52A be extended to apply to the Monowai Hydro-electric Generation Scheme?	Rule 52A	Meridian	
In the event a flow and level regime for the Waiau catchment has been established in accordance with the First Schedule of the RMA and the appellant makes an application that conforms to the established regime, should the Southland Regional Council reserve control to impose a different regime than that determined via the First Schedule process?	Rule 52A	Meridian	
Should the effects of the activity on mahinga kai, taonga species, and the spiritual and cultural values and beliefs of tangata whenua be considerations when processing resource consent applications in relation to the Manapōuri Hydro-electric Generation Scheme?	Rule 52A	Ngā Rūnanga	
Should a new Rule 52B provide a discretionary activity status instead of non-complying in the event the conditions of Rule 52A are not met?	New Rule 52B	Meridian	
Should the exclusion for Waiau/Manapōuri be deleted?	Appendix E	Ngā Rūnanga, Aratiatia	

B7 Others - Issues	Provisions	Appellants	Comments
Sub group – Overarching			
Should ephemeral rivers be excluded from the provisions of the plan? Specific examples from appeals include the land use rules and Objective 16.	Ephemeral and Intermittent rivers	Ngā Rūnanga DGC Forest & Bird Fish & Game	
In light of the Court’s provisional approval for the inclusion of the physiographic zone maps in the plan, what is the appropriate method of inclusion and what changes, if any, are required to the detail of the maps?	Whole of plan	Ngāi Tahu	
Sub group – Discrete issues			
Should Policy 39 be retained, amended to include reference to water quantity, or deleted?	Policy 39	Fish & Game Forest & Bird Federated Farmers	
Should the policy include reference to the CMA as it is a function of the regional council set out in s 30?	Policy 39A	Forest & Bird	
Should the policy refer to ‘improving’ rather than ‘considering’ when assessing against the subclauses of the policy?	Policy 39A	Ngā Rūnanga	
Should the policy be moved to the FMU section of the Plan to better align the policy with the FMU process?	Policy 39A	HorticultureNZ	
Is it appropriate for the Ngā Rūnanga indicators of health to be considered when assessing the term of a resource consent?	Policy 40(2)	Federated Farmers	
Should the rule be deleted as burning is controlled by the fire service?	Rule 79	Federated Farmers	
Should the title of the bed disturbance section of the Plan be renamed to include wetlands?	Bed disturbance section	Forest & Bird	
Sub group – Historic heritage			
Should historic heritage values be included in the policies?	Policies 20, 24 and 28	Heritage Nga Runanga	
Should an advice note for historic heritage values be included in the rules?	Rule 32B, 43, 53, 55, 59A and 63A.	Heritage	

Should the advice note addressing historic heritage values be located at the end of the rule cascade?	Rule 57, 58, 59, 60, 61, 62, 64, 66, 67, 68, 72, 73, 75, 77 and 78	Heritage	
Should the appendix be amended to refer to instances when an archaeological authority has not been obtained?	Appendix S	Heritage	