

under: the Resource Management Act 1991

in the matter of: an appeal against the decision of the Otago Regional Council on PC6A (Water Quality) to the Regional Plan: Water for Otago under Clause 14(1) of the First Schedule of the Act

between: **Fonterra Co-operative Group Limited**
Appellant

and: **Otago Regional Council**
Respondent

Notice of appeal by **Fonterra Co-operative Group Limited** against the decision of the Otago Regional Council on Plan Change 6A (Water Quality) to the Regional Plan: Water for Otago

Dated: 5 June 2013

REFERENCE: John Hassan (john.hassan@chapmantripp.com)
Luke Hinchey (luke.hinchey@chapmantripp.com)

Form 7

Notice of appeal by Fonterra Co-operative Group Limited against the decision of the Otago Regional Council on Plan Change 6A (Water Quality) to the Regional Plan: Water for Otago

Clause 14(1) of Schedule 1, Resource Management Act 1991

To the Registrar
Environment Court
Christchurch

- 1 Fonterra Co-operative Group Limited (*Fonterra*) appeals against a decision of the Otago Regional Council (*ORC*) on Plan Change 6A (Water Quality) (*PC6A*) to the Regional Plan: Water for Otago (*decision*).
- 2 Fonterra made submissions and further submissions on that plan change.
- 3 Fonterra is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (*RMA*).
- 4 Fonterra received notice of the decision on 23 April 2013.

THE PARTS OF THE DECISION FONTERRA IS APPEALING

- 5 Fonterra is appealing the *ORC*'s decision to reject or accept in part Fonterra's submission in respect of the following provisions of *PC6A*:
 - 5.1 Objectives 7.A.1-7.A.3;
 - 5.2 Policies 7.B.1-7.B.4;
 - 5.3 Policies 7.D.2 –7.D.7;
 - 5.4 Prohibited activity Rules 12.C.0.1-12.C.0.5;
 - 5.5 Permitted activity Rules 12.C.1.1, 12.C.1.3;
 - 5.6 Restricted discretionary activity Rules 12.C.2.1, 12.C.2.3 and 12.C.2.4;
 - 5.7 Permitted activity Rules 13.5.1.8A and 13.5.1.8B; and
 - 5.8 Schedules 15 (Tables 15.1 and 15.2) and 16.

OVERALL REASONS FOR THE APPEAL

- 6 Fonterra supports the sustainable management of water and also supports the use of regulatory and non-regulatory measures that maintain or enhance water quality and ensure efficient water use. However, it considers that the regulatory methods imposed pursuant to *PC6A* are not scientifically based or

properly balanced with reference to environmental, economic, social and cultural considerations.

- 7 Fonterra considers overall in respect of the provisions identified above, that the decision:
- 7.1 Is inappropriate and/or unnecessary;
 - 7.2 Will not promote the sustainable management of natural and physical resources;
 - 7.3 Will not promote the efficient use and development of natural and physical resources;
 - 7.4 Is contrary to good resource management practice;
 - 7.5 Does not comply with the requirements of section 32 of the RMA, particularly in that the provisions are not the most appropriate means of achieving the relevant plan objectives having regard to their efficiency and effectiveness and taking into account benefits, costs and risks;
 - 7.6 Does not have proper regard to the requirements of, and does not give effect to, the National Policy Statement for Freshwater Management 2011 (*NPS-FM*);
 - 7.7 Is inconsistent with the Otago Regional Policy Statement (*ORPS*); and
 - 7.8 Is otherwise inconsistent with the relevant provisions of the Resource Management Act 1991 (*RMA*), including the purposes and principles of the RMA under Part 2.

GENERAL GROUNDS OF APPEAL

- 8 Fonterra's opposes the provisions identified above in that:
- 8.1 The objectives are unclear and insufficiently directive of outcomes. This gives rise to the following further issues:
 - (a) It is difficult to determine whether the other provisions of PC6A are the most appropriate means of achieving the relevant objectives having regard to their efficiency and effectiveness and taking into account benefits, costs and risks; and
 - (b) Disputes and uncertainty of interpretation are likely when the objectives are considered at resource application consent stage.
 - 8.2 PC6A's prohibited activity regime is vague and uncertain and would capture activities which it should not capture.

- 8.3 There are other areas of drafting ambiguity in the policies and rules within PC6A which could lead to later uncertainty and disputes;
- 8.4 PC6A sets unrealistic expectations in terms of discharge consent duration requirements through the use of permitted activity thresholds as targets;
- 8.5 The plan change fails to properly consider the efficiency and effectiveness of implementation including the practicalities of farmers achieving the water quality characteristics and standards in Schedule 15 and the nitrogen limits prescribed in Rule 12.C.1.3 and Schedule 16;
- 8.6 PC6A contains arbitrary limits and standards. Schedules 15 and 16 in particular are not sufficiently supported by balanced scientific views, economic and social considerations, and practical dimensions;
- 8.7 PC6A misinterprets the NPS-FM in assuming water quality must be kept at least at its current state across all water quality characteristics and standards in order to be maintained; and
- 8.8 The region wide approach to water quality using a range of water quality parameters fails to have regard to specific catchments and water-bodies and their local characteristics and values.

SPECIFIC REASONS FOR THE APPEAL

- 9 Without limiting the generality of the overall reasons and grounds for the appeal outlined in the paragraphs above, the table in **Appendix A** contains more specific appeal points and relief sought.

FONTERRA SEEKS THE FOLLOWING RELIEF

- 10 Fonterra notes that the decision makes considerable changes to the notified version of PC6A. The decision does not make clear what submissions it relies upon to make the various changes. It has therefore been difficult to assess how the decision responds to Fonterra's submission points. In those circumstances:
 - 10.1 Fonterra reserves the right to raise matters of legal scope arising from the decision;
 - 10.2 Generally, Fonterra seeks relief which is consistent with its original submission;
 - 10.3 Alternatively it seeks the relief set out in the table in **Appendix A**; and
 - 10.4 It also seeks such further, alternative or consequential relief to address Fonterra's concerns.

ATTACHED DOCUMENTS

- 11 The following documents* are attached to this notice:

- 11.1 a copy of Fonterra's submission and further submission (with copies of the submissions supported and opposed by its further submission);
- 11.2 a copy of the ORC's decision; and
- 11.3 a list of names and addresses of persons to be served with a copy of this notice.

Signed for and on behalf of Fonterra Co-operative Group Limited by its solicitors and authorised agents Chapman Tripp

Garth Gallaway
Partner
5 June 2013

Address for service of appellant:

Chapman Tripp
Level 14, 10 Customhouse Quay, Wellington
PO Box 993, Wellington 6140
Telephone: +64 4 499 5999
Facsimile: +64 4 472 7111
Contact person: Luke Hinchey, Senior Associate
Email address: luke.hinchey@chapmantripp.com

Advice to recipients of copy of notice

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing 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 and 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.

APPENDIX A – TABLE OF PROVISIONS APPEALED, GROUNDS, AND RELIEF SOUGHT

Relevant provisions	Objectives 7.A.1 - 7.A.3	
Summary - amendment sought in submission	<p>Fonterra sought that:</p> <ol style="list-style-type: none"> 1. 7.A.1- the objective be changed to one that more clearly specifies the numerical water quality objectives sought and that it be specifically linked to Schedule 15. 2. 7.A.2 - the objective be deleted as it largely restates the Council’s functions set out in s 30(1)(c)(ii) of the RMA, and because it did not add any additional guidance or framework than already provided in the RMA and the Otago Regional Policy Statement. 3. 7.A.3 - Fonterra opposed this objective and sought that it be deleted as it was uncertain, not measurable and did not add any additional guidance or framework than already provided in the RMA and the ORPS. 	
Council’s decision	Specific reasons for the Appeal	Relief sought
<p>The ORC decision amended the objectives as follows:</p> <p>7.5.17.A.12 To enable the discharge of water or contaminants to water or land, in a way that maintains maintain or enhance the have good water quality of water in Otago’s lakes and rivers water bodies that so that it is suitable to and supports their natural and human use values and people’s use of water.</p> <p>7.A.21 To maintain good quality water in Otago’s water bodies, water quality in Otago lakes, rivers, wetlands, and groundwater, but and enhance water quality where necessary it is degraded.</p> <p>7.A.3 To have individuals and communities recognise and manage the effects, including cumulative effects, of their activities on water quality, including cumulative effects.</p>	<p>Fonterra opposes the Objectives for the following reasons:</p> <ol style="list-style-type: none"> 1. The objectives do not clearly specify cultural, economic, environmental or social outcome(s). 2. The objectives do not acknowledge that improvements in water quality are intended to be made progressively over time. 3. The term “natural and human use values” is not defined, although Schedule 1 of the Otago Regional Plan: Water sets out a Schedule of natural and human use values of Otago’s surface water bodies. That schedule is, however, unduly narrow as it does not encompass the broad range of values contemplated by the Preamble to the NPS-FM. 	<ol style="list-style-type: none"> 1. The objectives be amended to provide more certainty in terms of the outcomes sought as follows: <ul style="list-style-type: none"> <i>7.A.1 To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but progressively enhance water quality where it is degraded, with reference to relevant Schedule 15 characteristics and standards.</i> <i>7.A.2 To enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports the use of water to maintain and enhance social and economic well-being.</i> 2. Consequential amendments to reflect these changes in other policies and rules which use similar terminology.

Relevant provisions	Policy 7.B.1 – 7.B.2	
Summary - amendment sought in submission	Fonterra requested that the policies be changed to provide more certainty on how the objectives will be achieved.	
Council's decision	Specific reasons for the Appeal	Relief sought
<p>The ORC decision replaced the notified Policy 7.B.1 with three new policies, as follows:</p> <p>7.B.1 Ensure water is of good quality by the target dates described in Schedule 15, to support natural and human use values, by:</p> <p>(a) Avoiding discharges of contaminants with noticeable effects on natural and human use values; and</p> <p>(b) Allowing discharges of contaminants that cumulatively have minor effects, or are short term; and</p> <p>(c) Minimising disturbance of the beds of rivers and lakes.</p> <p><u>7.B.1 Manage the quality of water in Otago lakes, rivers, wetlands and groundwater by:</u></p> <p><u>(a) Recognising the differences in the effects and management of point and non-point source discharges; and</u></p> <p><u>(b) Defining, in Schedule 15, characteristics and standards that describe good quality water; and</u></p> <p><u>(c) Maintaining, from the dates specified in Schedule 15, good quality water; and</u></p>	<p>Fonterra opposes the policies for the following reasons:</p> <ol style="list-style-type: none"> 1. 7.B.1(b) and (c) - Some of the Schedule 15 characteristics and numerical standards for good quality water in Otago lakes and rivers appear arbitrary and unsupported by the best available information and scientific and socio-economic knowledge (see below appeal point on Tables 15.1 and 15.2). 2. Furthermore, these policies could suggest that a breach of any one characteristic or standard in a waterway would lead to a lowering of "good quality water" in a way which could be said to be contrary to this policy. However, a breach of one characteristic or standard may not have an impact on water quality. Impacts will depend on the values and uses attributed to the relevant waterway. 3. Schedule 15 refers to numerical "standards". The term "standards" has a very specific meaning in the RMA (Section 69). In this context, the standards are not appropriate in that they do not appear to be supported by the best available information and scientific and 	<ol style="list-style-type: none"> 1. Modify or replace Schedule 15 with a schedule that is supported by the best available information and scientific and socio-economic knowledge taking into consideration all relevant water way characteristics and values at the catchment level. 2. Amend the policies to provide greater clarification and certainty as follows: <p><i>7.B.1 Manage the quality of water in Otago lakes, rivers, wetlands and groundwater by:</i></p> <p>...</p> <p><i>(b) Defining <u>Describing</u> in Schedule 15, characteristics and targets standards that influence describe good quality water <u>depending on the relevant waterway characteristics and the values attributed to it</u>; and</i></p> <p><i>(c) <u>Maintaining, from the dates specified in Schedule 15, good quality water</u>; and</i></p> <p><i>(d) <u>Enhancing water quality where it does not meet the relevant Schedule 15 targets standards</u>; and</i></p> <p><i>(e) <u>Recognising the discharge effects on groundwater.</u></i></p>

<p><u>(d) Enhancing water quality where it does not meet Schedule 15 standards; and</u></p> <p><u>(e) Recognising discharge effects on groundwater.</u></p> <p><u>7.B.2 Avoid objectionable discharges of water or contaminants that degrade the natural and human use values of Otago lakes, rivers, wetlands and groundwater.</u></p> <p><u>7.B.3 Allow discharges of water or contaminants to Otago lakes, rivers, wetlands and groundwater that have minor effects or are short-term.</u></p>	<p>socio-economic knowledge.</p> <p>4. New policy 7.B.2 requires further clarification:</p> <p>a. “avoid objectionable discharges of water or contaminants” – it is not clear what an “objectionable discharge” is. The decision (page 22) states that the term “objectionable” refers to “discharges that are significant in terms of their effects on the receiving environment or where no attempt has been made to mitigate these effects” (page 22). However neither of these considerations are clearly prescribed in the policy.</p> <p>b. As stated earlier, it is not clear if references to “natural and human use values” is referring to the Schedule 1 values.</p> <p>5. Given these uncertainties and apparent policy expectations, Policy 7.B.2 will also be problematic in its application. The policy uses the term “avoid”, which typically translates to arguments for declining resource consent applications. The use of this term is also inconsistent with the RMA which seeks to “avoid, remedy or mitigate “effects”.</p>	<p><i>7.B.2 Avoid, <u>remedy or mitigate</u> objectionable discharges of water or contaminants that degrade natural and human use values of Otago lakes, rivers, wetlands and groundwater.</i></p> <p>3. Subject to the above, clarify the meaning of “objectionable”.</p> <p>4. Consequential amendments to reflect these changes in other policies and rules which use similar terminology.</p>
<p>Relevant provisions</p>	<p>Policy 7.B.4</p>	
<p>Summary - amendment sought in submission</p>	<p>Fonterra sought that this policy be deleted or changed to provide a clearer framework for encouraging activities that would reduce adverse effects on water quality.</p>	

Council's decision		Specific reasons for the Appeal	Relief sought
Relevant provisions	Policy 7.D.2		
Summary - amendment sought in submission	<p>Fonterra sought that this policy be deleted, or changed significantly to:</p> <ol style="list-style-type: none"> 1. recognise that it is not appropriate to apply discharge quality standards on all discharges at the point of discharge. 2. remove terms that introduce a high level of uncertainty. 		
Council's decision		Specific reasons for the Appeal	Relief sought
<p>The ORC decision added a new Policy 7.D.2 as follows:</p> <p><u>7.D.2 Schedule 16 discharge contaminant concentration limits apply, from 1 April 2020, at or below the reference flows set in Schedule 16B based on median flows.</u></p>		<p>Fonterra opposes the policy for the following reasons:</p> <ol style="list-style-type: none"> 1. The new Policy 7.D.2 and related rules will have significant social and economic implications related to dairy farming in Otago. 2. The policy seeks to put in place a framework for discharge applications using a novel "mixing zone" approach. Fonterra opposes this approach for the following reasons: <ol style="list-style-type: none"> a. The approach does not give effect to the Otago Regional Policy Statement Policy 6.5.5(c) "Requiring that all discharges into Otago's water bodies maintain the standard for the receiving waters after reasonable mixing" b. The approach is inappropriately inconsistent with references in the RMA to "reasonable mixing". c. The approach is inconsistent with the Plan's own policy of recognising the differences between point 	<ol style="list-style-type: none"> 1. Modify or replace the policy in a manner which is consistent with the relief sought in respect of Schedule 16 below, namely that discharge contaminant concentration limits are set based on the best available information and scientific and socio-economic knowledge taking into consideration all relevant waterway characteristics and values at the catchment level through a future plan change. 2. Or insert new Policies 7.D.1A and 7.D.2A that provide for Schedules 15 and 16 and associated nitrogen leaching rates of Rule 12.C.1.3 as interim and/or default provisions only as follows: <p><u>7.D.1A On the basis of catchment studies and collaborative stakeholder processes, develop catchment-specific freshwater objectives and set maximum nutrient leaching rates and targets that reflect industry good management practices and include those objectives, limits and targets in this Regional Plan</u></p>

	<p>source and non-point source discharges.</p> <p>3. The Schedule 16 discharge contaminant concentration limits are not achievable for all waterways based on current land practices utilising available best practicable options, and the cost of achieving them will outweigh the benefits. They ought to be set following specific catchment processes that recognise the individual physical and human use characteristics of catchments.</p> <p>4. There is no linkage to the nitrogen leaching rates specified in Rule 12.C.1.3. There ought to be a relationship between the concentration limits and the nitrogen loss rates. Furthermore, in acknowledging the place of nitrogen leaching rates in the Plan framework the policy ought to acknowledge that these too should developed at the catchment scale and any maximum rates included in the Plan at this stage ought to only be default standards.</p> <p>5. Further grounds regarding PC6A's approach to regulating nitrogen loss are discussed in more detail in the context of Rule 12.C.1.1 below.</p>	<p><u>such that they apply from 1 April 2020.</u></p> <p><u>7.D.2A Apply region-wide maximum nitrogen leaching rates as included in Rule 12.C.1.3 as default leaching maxima from 1 April 2020 if the catchment scale nitrogen leaching rates have not been set in accordance with Policy 7.D1A.</u></p>
Relevant provisions	Policy 7D.3	
Summary - amendment sought in submission	Fonterra sought that this policy be deleted, or changed significantly to remove terms that introduce a high level of uncertainty.	
Council's decision	Specific reasons for the Appeal	Relief sought

<p>The ORC decision added a new Policy 7.D.2 as follows:</p> <p><u>7.D.3 Prohibit objectionable discharges of water or contaminants that degrade the natural and human use values of Otago lakes, rivers, wetlands and groundwater.</u></p>	<p>Fonterra opposes the policy for the following reasons:</p> <ol style="list-style-type: none"> 1. Other than this policy 7.D.3 little guidance is provided in PC6A to support the need for prohibited activities. 2. Similar with concerns regarding policy 7.B.1, it is not clear what is meant by “objectionable discharges” in the context of this policy. 3. The prohibited activity policy is more stringent than existing RMA requirements in section 107 and does not appear to be justified by appropriate evidence. <p>Further grounds regarding the prohibited activity regime are set out below.</p>	<p>Amend as follows:</p> <p>7.D.3 Prohibit objectionable discharges of water or contaminants <u>that:</u></p> <p><u>(a) have significant impacts on degrading</u> the natural and human use values of Otago lakes, rivers, wetlands and groundwater; <u>and</u></p> <p><u>(b) cannot be remedied or mitigated or otherwise justified due to exceptional circumstances.</u></p>
<p>Relevant provisions</p>	<p>Policies 7.D.4- 7.D.7</p>	
<p>Summary - amendment sought in submission</p>	<p>Fonterra sought that these policies be deleted, or changed significantly to:</p> <ol style="list-style-type: none"> 1. recognise that it is not appropriate to apply discharge quality standards on all discharges at the point of discharge. 2. remove terms that introduce a high level of uncertainty. 3. provide a clear framework for subsequent rules and resource consent processes. 	
<p>Council’s decision</p>	<p>Specific reasons for the Appeal</p>	<p>Relief sought</p>
<p>The ORC decision replaced notified Policies 7.D.2 and 7.D.3 with new Policy 7.D.4 and added new Policies 7.D.5, 7.D.6, and 7.D.7 as follows:</p> <p><u>7.D.2 Provide for the consenting of discharges, that first occurred prior to 31 March 2012, for a limited time period beyond the timeframe specified in Schedule 16, where:</u></p>	<p>Fonterra opposes the policies for the following reasons:</p> <ol style="list-style-type: none"> 1. Policy 7.D.4 and 7.D.5 are new and introduce uncertainty. They also fail to provide policy acknowledgement of discharges existing at the date the PC6A was notified. In many cases, existing discharges are relied upon by farmers to maintain sustainable businesses. Existing investments and 	<p>Amend as follows (subject to the intent of the provisions being clarified):</p> <p>7.D.4 Provide for the consenting of any discharge under section 12.C:</p> <p>(a) Where <u>for activities existing as at 31 March 2012,</u> changes to <u>best practicable option</u> land management</p>

<p>(a) Changes to land management practices or infrastructure to minimise the discharge have been implemented; and</p> <p>(b) Additional changes to management practices or infrastructure are needed to achieve the limits; and</p> <p>(c) An expeditious path to compliance with Schedule 16 is identified.</p> <p>7.D.3 Provide for the consenting of discharges that exceed Schedule 16 limits as part of the development of technology or innovative practices associated with improving water quality.</p> <p>7.D.4 Provide for the consenting of any discharge under section 12.C:</p> <p>(a) Where changes to land management practices or infrastructure have not been sufficient to meet permitted activity rules; or</p> <p>(b) As part of the development of technology or innovative practices associated with improving water quality; or</p> <p>(c) From a short-term activity with short-term adverse effects.</p> <p>7.D.5 When considering any discharge under section 12.C, have regard to:</p> <p>(a) The effects of the discharge on water quality, including cumulative effects; and</p> <p>(b) A staged timeframe and management plan to achieve compliance with the permitted activity rules; and</p> <p>(c) The extent to which the contaminants in the discharge</p>	<p>practical considerations need to be factored in when applying rules.</p> <p>2. Policies 7.D.6 and 7.D.7 contain policy guidance for when imposing consent duration conditions on resource consents. The plan change takes the approach of using permitted activity standards as targets to be met over time (new Policy 7.D.5(b)). Fonterra opposes this approach in that:</p> <p>a. There is insufficient evidence to establish that achieving the permitted activity standards is necessary to meet PC6A’s objectives and policies.</p> <p>b. To the extent that achieving the permitted activity standards would be necessary to meet PC6A’s objectives and policies, the expectations of these objectives and policies has been set too high given practicalities and social and economic consequences.</p> <p>c. The Policies do not adequately provide for an assessment of the likely costs of changing farm systems relative to the potential reduction in nutrient or other discharges of contaminants.</p> <p>d. The desire to progressively enhance water quality where it is degraded can be achieved in a more efficient and effective way which imposes less consenting burden on resource users.</p> <p>3. The term of resource consents issued under Policy 7.D.7 is not sufficient to provide investment certainty or to achieve the nutrient discharge limits in Rules 12.C. Some dairy farms would not be able to meet the</p>	<p>practices or infrastructure have not been sufficient to meet permitted activity rules; or</p> <p>...</p> <p>7.D.5 When considering any discharge under section 12.C, have regard to:</p> <p>(a) The effects of the discharge on water quality, including cumulative effects; and</p> <p>(b) A staged timeframe and management plan to achieve compliance with the permitted activity rules; and</p> <p>(c) The extent to which the contaminants in the discharge result from the activities of the applicant; and</p> <p><u>d) The physical characteristics of the land (including soil type and rainfall) and the effect those characteristics have on the ability for the discharge to comply with discharge and nitrogen leaching limits;</u></p> <p><u>(e) The farm system and associated infrastructure on existing farms and the need to phase in any changes over a reasonable time period; and</u></p> <p><u>(f) The best practicable option (as defined in the RMA) to prevent or minimise any actual or likely adverse effect on the environment; and</u></p> <p>(d) The likelihood that the staged timeframe and management plan can be successfully applied; and</p> <p>(e) The current state of technical knowledge.</p> <p>7.D.6 When considering the duration of a resource consent under section 12.C, have regard to:</p> <p>(a) The staged timeframe to achieve compliance with the</p>
--	--	--

<p><u>result from the activities of the applicant; and</u></p> <p><u>(d) The likelihood that the staged timeframe and management plan can be successfully applied; and</u></p> <p><u>(e) The current state of technical knowledge.</u></p> <p><u>7.D.6 When considering the duration of a resource consent under section 12.C, have regard to:</u></p> <p><u>(a) The staged timeframe to achieve compliance with the permitted activity rules;</u></p> <p><u>(b) The extent to which the contaminants in the discharge result from the activities of the applicant;</u></p> <p><u>(c) Trends in the quality of the receiving water relative to the Schedule 15 standards;</u></p> <p><u>(d) Any adverse effects of the discharge on the maintenance of natural and human use values;</u></p> <p><u>(e) The extent to which the risk of potentially significant, adverse effects arising from the activity may be adequately managed through review conditions;</u></p> <p><u>(f) The value of the investment in infrastructure; and</u></p> <p><u>(g) The use of industry best practice.</u></p> <p><u>7.D.7 The duration of a resource consent for a discharge, which breaches any relevant Schedule 16 or nitrogen leaching limit, will not exceed:</u></p> <p><u>(1) Two years for discharges from a short-term activity with short-term adverse effects; or</u></p> <p><u>(2) Five years for all other discharges where the</u></p>	<p>limits even adopting best practicable options.</p> <p>4. Relevant considerations have been left out of the policies including physical and practical characteristics and constraints of farming.</p> <p>5. Water quality trend information can be complex given lag periods and attenuation and uncertainties in predicting future trends. Reference to it in the policy could impose substantial and inappropriate assessment burden on resource consent applicants and could increase uncertainty as to appropriate consent duration conditions.</p>	<p>permitted activity rules;</p> <p>(b) The extent to which the contaminants in the discharge result from the activities of the applicant;</p> <p>(c) Trends in the quality of the receiving water relative to the Schedule 15 standards;</p> <p>(d) Any adverse effects of the discharge on the maintenance of natural and human use values;</p> <p>(e) The extent to which the risk of potentially significant, adverse effects arising from the activity may be adequately managed through review conditions;</p> <p>(f) The value of the investment in infrastructure. and</p> <p>(g) The use of industry best practice.</p> <p>7.D.7 The duration of a resource consent for a discharge, which breaches any relevant Schedule 16 or nitrogen leaching limit, will not exceed:</p> <p>(1) Two years for discharges from a short-term activity with short-term adverse effects; or</p> <p>(2) Five ten years for all other discharges where the contaminants in the discharge result from the activities of the applicant.</p>
---	---	---

<u>contaminants in the discharge result from the activities of the applicant.</u>			
Relevant provisions	Rules 12.C.0.1 – 12.C.0.5		
Summary - amendment sought in submission	Fonterra sought that the prohibited activity rules 12.C.0.1 – 12.C.0.4 be withdrawn and replaced with permitted activity standards.		
Council's decision	Specific reasons for the Appeal	Relief sought	
<p>The ORC decision was to delete the notified Rule 12.C.0.1 and replace it with a permitted activity condition (see below) and amend the notified Rule 12.C.0.2 as follows:</p> <p>12.C.0.1 The discharge of any contaminant to water, that produces an objectionable odour, or a conspicuous oil or grease film, scum, or foam in any:</p> <p>(i) Lake, river or Regionally Significant Wetland; or</p> <p>(ii) Drain or water race that flows to a lake, river or Regionally Significant Wetland; or</p> <p>(iii) Bore or sump,</p> <p>is a prohibited activity.</p> <p>12.C.0.2 The discharge of any contaminant from an animal waste system, silage storage or a composting process:</p> <p>(i) To any lake, river or Regionally Significant Wetland; or</p> <p>(ii) To any drain or water race that connects to a lake, river</p>	<p>Although the amendments to Rules 12.C.01 to 12.C.0.5 go some way to addressing Fonterra's submission points, a number of issues remain. Fonterra opposes the rules for the following reasons:</p> <ol style="list-style-type: none"> 1. As discussed earlier, insufficient guidance is provided in the objectives and policies as to the reasons for the prohibited activities and their interpretation. For example, it is not clear what is meant by an "objectionable discharge" in the context of the policies. 2. The prohibited activity rules do not appear to distinguish between direct and diffuse discharges which creates practical issues in that it would be very difficult/impossible to achieve 'zero' diffuse discharges from "animal waste systems" (Rule 12.C.0.2). 3. There may be limited circumstances where discharges included in Rule 12.C.0.2 would be acceptable, for example, where direct discharges to surface water are treated to a high quality which should not be 	<ol style="list-style-type: none"> 1. Amend the rules to resolve the uncertainties identified in the reasons. 2. The discharge of any contaminant from an animal waste system, silage storage or a composting process in rule 12.C.0.2 be provided for as a non-complying activity and it be clarified that it only relates to discharges to <u>surface</u> water or any contaminant to <u>surface</u> water, or onto or into land in circumstances which may result in that contaminant entering <u>surface</u> water. 3. Consequential amendments to reflect these changes in other policies and rules which use similar terminology. 	

<p>or Regionally Significant Wetland; or</p> <p>(iii) To the bed of any lake, river or Regionally Significant Wetland; or</p> <p>(iv) To any bore or sump; or</p> <p>(v) To land within 50 metres of:</p> <p>(a) Any lake, river or Regionally Significant Wetland; or</p> <p>(b) Any bore or sump; or</p> <p>(vi) To saturated land; or</p> <p>(vii) That results in ponding,</p> <p>is a prohibited activity.</p> <p>12.C.0.3 Any discharge of sediment from disturbed land to water in any:</p> <p>(i) Lake, river or Regionally Significant Wetland; or</p> <p>(ii) Drain or water race that flows to a lake, river or Regionally Significant Wetland,</p> <p>where no measure is taken to mitigate sediment runoff, is a prohibited activity.</p> <p>12.C.0.1 Any discharge of contaminants, where the discharge is about to enter water, that:</p> <p>(i) Has an odour; or</p> <p>(ii) Contains an oil or grease film, scum or foam, or floatable material, is a prohibited activity</p> <p>12.C.1.1 The discharge of water or any contaminant to water, or onto or into land in circumstances which may</p>	<p>prohibited from seeking a resource consent.</p> <p>4. The application of rules 12.C.0.2 and 12.C.0.3 is uncertain, in particular:</p> <p>a. The reference to ponding is not defined. There are a number of occurrences where the application of farm dairy effluent to land can result in ponding where there is no more than a minor effect. It is inappropriate to prohibit ponding in such circumstances.</p> <p>b. There are existing designed farm systems that discharge into a fully contained sump. Those systems would now be a prohibited activity leading to substantial costs and time for farmers to develop new systems. PC6A does not establish that the benefits outweigh the costs in this circumstance.</p> <p>c. Similarly, it is unclear what "saturated land" means.</p> <p>d. Although "bed" is defined in the RMA, in practice a river "bed" can be an extensive area that runs alongside a river and is very infrequently covered by water. Often these parts of a river bed are used as part of the farm system (except in times of flood) and are kept in pasture. Prohibiting discharges may in some circumstances be unreasonable. As the term "bed" is already defined in the RMA, an alternative term such as "active bed" could be used in Rule 12.C.0.2.</p> <p>5. The application of Rule 12.C.0.3 is unclear. Rule 12.C.0.3 states that discharges of sediment into particular water ways will be prohibited "where no measure is taken to mitigate sediment run off". It is</p>	
---	---	--

<p>result in that contaminant entering water, is a permitted activity, providing:</p> <p>---</p> <p><u>(d) Where the discharge first enters water in any lake, river, wetland or any open drain or water race that flows to a lake, river or wetland, the discharge:</u></p> <p>---</p> <p>(3) Does not have an odour, oil or grease, film, scum or foam; and</p> <p>(4) Does not have floatable or suspended materials, other than inorganic sediment; and</p> <p>---</p>	<p>not clear what will be considered to be mitigation in the context of this rule. The lack of clarity will give rise to potential disputes.</p>	
<p>Relevant provisions</p>	<p>Rule 12.C.1.1</p>	
<p>Summary - amendment sought in submission</p>	<p>Fonterra sought that the rule be changed to remove the uncertainty and conflict between the current clauses, and to replace the current numerical standards with standards that are based on both an appropriate receiving water standards and an assessment of the achievability of specific discharge standards.</p> <p>Fonterra also sought that the number of permitted activity rules relating to stormwater discharges be rationalised.</p>	
<p>Council's decision</p>	<p>Specific reasons for the Appeal</p>	<p>Relief sought</p>
<p>The ORC decision deleted rules 12.C.1.1, 12.C.1.2 and 12.C.1.5, and incorporated their content into a new Rule 12.C.1.1 as follows:</p> <p>12.C.1.1 The discharge of sediment to water is a permitted activity, providing:</p>	<p>Fonterra opposes rule 12.C.1.1 for the following reasons:</p> <ol style="list-style-type: none"> Paragraph (d) - Practical issues arise in the application of Rule 12.C.1.1 and the need to measure contaminants "where the discharge first enters water". For example, it would be almost impossible to measure where a discharge via groundwater first enters the 	<ol style="list-style-type: none"> (Subject to further clarification as to its intent) amend rule 12.C.1.1 as follows: 12.C.1.1 The discharge of to <u>surface</u> water or any contaminant to <u>surface</u> water, or onto or into land in circumstances which may result in that contaminant entering <u>surface</u> water, is a permitted activity, providing:

<p>...</p> <p>12.C.1.2 The discharge of a contaminant listed in Schedule 16 to:</p> <p>(i) Water; or</p> <p>(ii) Land in a manner that may enter water,</p> <p>...</p> <p>12.C.1.5 The discharge of water to water, or water to a Regionally Significant Wetland, that:</p> <p>...</p> <p><u>12.C.1.1 The discharge of water or any contaminant to water, or onto or into land in circumstances which may result in that contaminant entering water, is a permitted activity, providing:</u></p> <p><u>(a) The discharge does not result in flooding, erosion, land instability or property damage; and</u></p> <p><u>(b) There is no discharge of water from one catchment to water in another catchment; and</u></p> <p><u>(c) The discharge does not change the water level range or hydrological function of any Regionally Significant Wetland; and</u></p> <p><u>(d) Where the discharge first enters water in any lake, river, wetland, or any open drain or water race that flows to a lake, river or wetland, the discharge:</u></p> <p><u>(1) From 01 April 2020, does not exceed the relevant limits given in Schedule 16A, when, at the representative flow monitoring site, the water flow is at or below the reference flow indicated in</u></p>	<p>water of a surface water feature. In terms of monitoring, it would also be difficult to distinguish if discharges have occurred via groundwater or upstream from other operators. Farmers are not sufficiently equipped or trained to undertake this level of monitoring.</p> <p>2. The rule imports a high degree of uncertainty which is inappropriate for a permitted activity.</p> <p>3. There appears to be an inappropriate overlap with rule 12.C.1.3. It is unclear whether a farmer is required to comply with 12.C.1.1(d), as well as 12.C.1.3. While it is clear that compliance with Rule 12.C.1.1 (d) also requires compliance with Rule 12.C.1.3, the reverse remains unclear. The issue appears to be in part due to Rule 12.C.1.1(d) apparently dealing with direct discharges to land and water whereas Rule 12.C.1.3 appears to deal with diffuse discharges, albeit this is unclear in the rules.</p> <p>4. Clause (d)(1) and (e) and other nitrogen discharge provisions are likely to have significant adverse impacts on dairy farmers, further grounds in relation to these provisions are raised below..</p>	<p>...</p> <p>(d) In respect of a discharge to surface water (including any lake, river, wetland, or any-open drain or water race that flows to a lake, river or wetland); the discharge:</p> <p>(1) From 01 April 2020, does not exceed the relevant limits given in Schedule 16A, when, at the representative flow monitoring site, the water flow is at or below the reference flow indicated in Schedule 16B; and</p> <p>...</p> <p>(e) Any discharge of nitrogen complies with Rule 12.C.1.3.</p> <p>2. A like amendment be made to rules 12C.2.1 and 12C.2.1 and related rules.</p>
---	---	--

<p><u>Schedule 16B; and</u></p> <p><u>(2) Does not contain sediment that results in:</u></p> <p style="padding-left: 40px;"><u>a. A visual change in colour or clarity; or</u></p> <p style="padding-left: 40px;"><u>b. Noticeable local sedimentation, in the receiving water; and</u></p> <p><u>(3) Does not have an odour, oil or grease film, scum or foam; and</u></p> <p><u>(4) Does not have floatable or suspended materials, other than inorganic sediment; and</u></p> <p><u>(e) Any discharge of nitrogen also complies with Rule 12.C.1.3.</u></p>		
Relevant provisions	Rule 12.C.1.3	
Summary - amendment sought in submission	Fonterra requested that Rule 12.C.1.3 and the associated Maps 1 - 6 be withdrawn.	
Council's decision	Specific reasons for the Appeal	Relief sought
<p>The ORC decision amended the notified rules 12.C.1.3 as follows:</p> <p><u>12.C.1.3 The discharge of nitrogen¹ from onto or into land in circumstances which may result in nitrogen entering the groundwater, is a permitted activity, providing:</u></p> <p><u>(a) From 01 April 2020, the nitrogen leaching rate does not exceed:</u></p>	<p>Fonterra opposes the rule and related provisions for the following reasons:</p> <ol style="list-style-type: none"> 1. The requirements are not practicable or achievable and do not appear to be based on balanced, sound, technical, social or economic evidence. 2. Insufficient analysis has been undertaken of the necessity for and implications of establishing a rule at 	<ol style="list-style-type: none"> 1. Amend Rule 12.C.1.3 as follows: The discharge of nitrogen onto or into land in circumstances which may result in nitrogen entering groundwater, is a permitted activity, providing: (a) From 01 April 2020, the nitrogen leaching rate does not exceed: (iA) <u>The relevant maximum nitrogen leaching rate specified</u>

<p><u>(i) 10 kgN/ha/year on that area of the landholding located over the relevant Nitrogen Sensitive Zone identified in Maps H5 and H6; and</u></p> <p><u>(ii) 20 kgN/ha/year on that area of the landholding located over the relevant Nitrogen Sensitive Zone identified in Maps H1 to H4; and</u></p> <p><u>(iii) 30 kgN/ha/year on that area of the landholding located outside any Nitrogen Sensitive Zone identified in Maps H1 to H6, as calculated using OVERSEER® version 6.0; and</u></p> <p><u>(b) From 1 May 2014, the landholder will:</u></p> <p><u>(i) Maintain a record of all necessary data to run OVERSEER® version 6.0; and</u></p> <p><u>(ii) Provide Council upon request with:</u></p> <p><u>1) An OVERSEER® version 6.0 output and input parameter report prepared by an accredited OVERSEER® version 6.0 user; or</u></p> <p><u>2) All necessary data to run OVERSEER® version 6.0.</u></p>	<p>these thresholds using the proposed zone boundaries. More technical assessment is needed to demonstrate the appropriateness of permitted activity thresholds and the most appropriate zone boundaries for these thresholds.</p> <ol style="list-style-type: none"> 3. The resolution of the maps is not sufficient to enable landowners or other stakeholders to know exactly where all the boundaries are between the two zones. 4. The decision does not adequately demonstrate the need for setting the nitrogen leaching rates or the link to achieving good quality water standards set out in Schedule 15. 5. The limits will undermine investment in existing infrastructure and will inappropriately and unreasonably require some landowners to change existing land use. 6. The decision fails to consider the margins of error in the OVERSEER model and the difference in outputs from different versions of that model. 7. There is no provision for a number of samples to be taken to determine an average over time, which may mean resource users will move between the permitted activity and resource consent requirements over time creating uncertainty in implementation. 	<p><u>in Appendix X; or, if no such maximum nitrogen leaching rate is specified:</u></p> <p>(i) 10 kgN/ha/year on that area of the landholding located over the relevant Nitrogen Sensitive Zone identified in Maps H5 and H6; and</p> <p>(ii) 20 kgN/ha/year on that area of the landholding located over the relevant Nitrogen Sensitive Zone identified in Maps H1 to H4; and</p> <p>(iii) 30 kgN/ha/year on that area of the landholding located outside any Nitrogen Sensitive Zone identified in Maps H1 to H6, as calculated using OVERSEER® version 6.0; and</p> <p>(b) From 1 May 2014, the landholder will:</p> <p>(i) Maintain a record of all necessary data to run OVERSEER® version 6.0; and</p> <p>(ii) Provide Council upon request with:</p> <ol style="list-style-type: none"> 1) An OVERSEER® version 6.0 output and input parameter report prepared by an accredited OVERSEER® version 6.0 user; or 2) All necessary data to run OVERSEER® version 6.0. <p>2. Delete the maps or replace them with maps showing boundaries determined following robust assessment of the appropriateness of permitted activity thresholds and the most appropriate zone boundaries for these thresholds.</p> <p>Include a new Appendix X as follows</p> <p>Appendix X – Nutrient leaching rates</p> <p>This Schedule is currently blank but will be established to</p>
---	---	--

		articulate maximum nutrient leaching rates based on industry good practice nutrient management.
--	--	---

Relevant provisions	Rule 12.C.2.1,12.C.2.3 and 12.C.2.4	
Summary - amendment sought in submission	Fonterra requested that this rule be deleted and replaced with a permitted activity rule. Fonterra also requested that the wording of clause (i) be changed to make it clear that this would only apply to discharges that were legally authorised prior to 31 March 2012.	
Council's decision	Specific reasons for the Appeal	Relief sought
<p>The ORC decision was to replace the notified Rule 12.C.2.1 with new Rules 12.C.2.1 and 12.C.2.3:</p> <p>12.C.2.1: The discharge of contaminants listed in Schedule 16 to land:</p> <p>(i) Where changes to land management or infrastructure have been unsuccessful in meeting the limits in Schedule 16, and the discharge first occurred prior to 31 March 2012; or</p> <p>(ii) Where the discharge results from a short term activity with a short term adverse effect,</p> <p>is a restricted discretionary activity;</p> <p>...</p> <p>The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.</p> <p><u>12.C.2.1 The discharge of water or any contaminant:</u></p> <p><u>(i) To water; or</u></p> <p><u>(ii) Onto or into land in circumstances which may result in</u></p>	<p>Fonterra opposes the rules for the following reasons:</p> <ol style="list-style-type: none"> 1. The discretionary category for any discharge which "Has previously been authorised by resource consent granted under this rule" is disproportionate and unreasonable. In many cases discharges may not be able to achieve permitted activity standards despite adopting best practicable options. The rule appears to unfairly target these types of discharges by imposing additional consenting burdens on renewal. It suggests that the Council may be seeking to phase out such activities which cannot meet permitted activity targets, however, there is insufficient evidence to adopt such an approach. 2. The rule has changed its focus and no longer contains a consenting pathway which recognises and provides for existing uses. Such a pathway is necessary and appropriate to ensure existing uses are not unduly constrained from on-going operation. 	<ol style="list-style-type: none"> 1. Delete the discretionary category for any discharge which "Has previously been authorised by resource consent granted under this rule" in rules 12.C.2.1 and 12.C.2.3. 2. The further relief set out in the next row.

<p><u>that contaminant entering water,</u></p> <p><u>Is a restricted discretionary activity, unless the discharge:</u></p> <p><u>----</u></p> <p><u>(f) Has previously been authorised by resource consent granted under this rule.</u></p> <p><u>The matters to which the Council has restricted the exercise of its discretion are set out in Rule 12.C.2.4.</u></p> <p><u>The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.</u></p> <p><u>---</u></p> <p><u>12.C.2.3 The discharge of nitrogen onto or into land in circumstances which may result in nitrogen entering groundwater is a restricted discretionary activity unless the discharge:</u></p> <p><u>(a) Is prohibited by a rule in 12.C.0; or</u></p> <p><u>(b) Is permitted by Rule 12.C.1.3, or</u></p> <p><u>(c) Has previously been authorised by a resource consent granted under this rule;</u></p> <p><u>The matters to which the Council has restricted the exercise of its discretion are set out in Rule 12.C.2.4.</u></p> <p><u>The Consent Authority is precluded from giving public notification of an application for a resource consent under this rule.</u></p>		
<p>The ORC decision also replaced the list of discretions in the</p>	<p>Fonterra opposes the discretions for the following reasons:</p>	<p>Insert a new rule making existing discharges of nitrogen</p>

<p>notified Rule 12.C.2.1 with an extended new Rule 12.C.2.4 as follows:</p> <p>12.C.2.4 Restricted discretionary activity discretions</p> <p>In considering any resource consent in terms of Rules 12.C.2.1 to 12.C.2.3, the Council will restrict the exercise of its discretion to:</p> <p>(a) The nature, type, volume, frequency of the discharge; and</p> <p>(b) The concentration and loading of contaminants in the discharge; and</p> <p>(c) In the case of an application under Rules 12.C.2.1 and 12.C.2.3, the staged timeframe for achieving the permitted activity conditions in Rules 12.C.1.1 or 12.C.1.3; and</p> <p>(d) In the case of an application under 12.C.2.2, the staged timeframe to address adverse effects on water quality; and</p> <p>(e) In the case of an application previously consented under Rule 12.C.2.2, compliance with conditions of the previous resource consent; and</p> <p>(f) Any changes to infrastructure and the staging of implementation of those changes; and</p> <p>(g) Any adverse effects on water quality, including cumulative effects; and</p> <p>(h) Any adverse effect of the discharge on any natural or human use values; and</p> <p>(i) The extent to which the contaminant results from the activities of the applicant; and</p> <p>(j) Any effect on any Regionally Significant Wetland or on</p>	<ol style="list-style-type: none"> 1. The discretions are inappropriately broad and will have potentially significant impacts on existing farmers. 2. The maximum nitrogen leaching rates of Rule 12.C.1.3 do not appear well founded and it would be inappropriate for existing discharges to be restricted activities as a result of not complying with these broad and seemingly arbitrary standards. 	<p>not complying with the nitrogen leaching rates of Rule 12.C.1.3 a controlled activity.</p> <p>The new rule to read as follows:</p> <p>12.C.1A Controlled activities: Resource consent required.</p> <p>12.C.2.1AA The discharge of nitrogen onto or into land in circumstances which may result in nitrogen entering groundwater is a controlled activity if the discharge is not:</p> <p>(a) Prohibited by a Rule in 12.C.0; or</p> <p>(b) Permitted by Rule 12.C.1.3; or</p> <p>(c) A discharge that has commenced since 20 April 2013; and is undertaken in accordance with a Farm Environment Plan.</p> <p>12.C.1AAA Matters of Control</p> <p>In considering any resource consent in terms of Rule 12.C.1A, the Council will exercise control over:</p> <p>(a) The contents of the Farm Environment Plan and in particular the mitigation practices to minimise nitrogen leaching and improve nitrogen conversion efficiency</p> <p>(b) The rate of implementation of the Farm Environment Plan</p> <p>Insert a new definition of a Farm Environment Plan as follows:</p> <p>Farm Environment Plan is a document that complies with the requirements for a Farm Environment Plan included in Appendix XX.</p>
---	--	---

<p>any regionally significant wetland value; and</p> <p>(k) Any erosion, land instability, sedimentation or property damage resulting from the discharge; and</p> <p>(l) Any financial contribution for any Regionally Significant Wetland or on any regionally significant wetland value; and</p> <p>(m) The information and monitoring requirements; and</p> <p>(n) The duration of the resource consent; and</p> <p>(o) The review of conditions of the resource consent.</p>		<p>Insert new Appendix XX as follows:</p> <p>Appendix XX</p> <p>A Farm Environment Plan must be developed and implemented in accordance with:</p> <p>A. An industry managed programme that includes the following attributes:</p> <p>(a) A requirement for a farm environment plan that includes the following minimum components:</p> <p>(i) The matters set out in 1, 2, and 3 of Part B below;</p> <p>(ii) Specified actions (if necessary) to address effects and risks identified in accordance with the methodology referred to be (b) that have a high likelihood of appropriately avoiding, remedying or mitigating those effects;</p> <p>(iii) Annual modelling of nitrogen loss and nitrogen use efficiency.</p> <p>(iii) Performance measures that are capable of being audited.</p> <p>(b) A methodology that will enable development of a plan that will identify environmental effects and risks specific to the property;</p> <p>(c) Advice and technical support (including, for example, guidelines and templates) for the development and implementation of farm environment plans;</p> <p>(d) An audit system that audits implementation of specific components of plans on a random sample basis across Otago and on the basis of targeting high risk operations (and which is scalable to risks agreed with the Otago Regional</p>
--	--	---

		<p>Council); and</p> <p>(e) A system of actions and/or consequences for a farm if and when audit reveals non compliance by that farm with performance measures that have a high likelihood of ensuring corrective measures are adopted without delay; and</p> <p>which has been approved as meeting the criteria in A and being acceptable to the Otago Regional Council by the Chief Executive of the Otago Regional Council.</p> <p>B. Core components of a Farm Environment Plan include:</p> <p>1. Property details</p> <p>(a) Physical address</p> <p>(b) Description of the ownership and name of a contact person</p> <p>(c) Legal description of the land and farm identifier</p> <p>2. A map(s) or aerial photograph at a scale that clearly shows:</p> <p>(a) The boundaries of the property</p> <p>(b) The boundaries of the main land management units on the property.</p> <p>(c) The location of permanent or intermittent rivers, streams, lakes, drains, ponds or wetlands.</p> <p>(d) The location of riparian vegetation and fences adjacent to water bodies.</p> <p>(e) The location on all waterways where</p>
--	--	--

		<p>stock access or crossing occurs.</p> <p>3. The full text of any resource consents held for the property and the conditions of the consents.</p>
Relevant provisions	Rule 13.5.1.8A	
Summary - amendment sought in submission	Fonterra requested that this rule be changed to remove the absolute references to slumping, pugging or erosion, to any exposure of soil, any increase in the colour of water, any reduction in the visual clarity of water and replace them with independently verifiable standards such as a maximum turbidity change.	
Council's decision	Specific reasons for the Appeal	Relief sought
<p>The ORC decision amended notified Rule 13.5.1.8A, as follows:</p> <p><u>13.5.1.8A The disturbance of the bed of any lake or river, or any Regionally Significant Wetland, by Livestock, excluding intentional driving of livestock, and any resulting discharge or deposition of bed material, is a permitted activity, providing it does not:</u></p> <p><u>(a) Involve feeding out; or</u></p> <p><u>(b) Cause or induce noticeable slumping, pugging or erosion; or</u></p> <p><u>(b) Expose soil; or</u></p> <p><u>(c) Involve feeding out; or</u></p> <p><u>(d) Increase the colour or reduce the</u> Result in a visual change in colour or clarity of water; or</p>	<p>Fonterra opposes the rules for the following reasons:</p> <p>1. This rule would result in inappropriate restrictions on relatively minor effects arising from slumping, pugging or erosion, or changes in visual colour or clarity in water. In addition, as noted earlier, the definition of "bed" now has a potentially wide scope and could adversely impact the useable area of farm land.</p>	<p>Add a new rule as follows:</p> <p><i>"Dairy cattle shall be excluded from the bed of any stream that permanently contains water that is wider than 1 metre and deeper than 30 cm, any Lake and any Regionally Significant Wetland."</i></p>

<u>(ed) Damage fauna, or New Zealand native flora, in or on any Regionally Significant Wetland.</u>			
Relevant provisions	Rule 13.5.1.8B		
Summary - amendment sought in submission	Fonterra sought that this rule be deleted		
Council's decision	Specific reasons for the Appeal	Relief sought	
<p>The ORC decision deleted notified section 13.5A and amended notified Rule 13.5.1.8B, as follows:</p> <p>13.5A Entering onto or passing across the bed of a lake or river or a Regionally Significant Wetland</p> <p>13.5A.0 Prohibited activities: No resource consent will be granted</p> <p>13.5A.0.1 The entering onto or passing across the bed of any lake or river, or any Regionally Significant Wetland by livestock, for the purpose of moving livestock from one location to another:</p> <p>(a) Excluding the use of any authorised structure over water and the bed of any lake or river, or any Regionally Significant Wetland; and</p> <p>(b) Excluding seasonal muster;</p> <p>is a prohibited activity.</p> <p>13.5.1.8B The disturbance of the bed of any lake or river,</p>	<p>Fonterra opposes the rules for the following reasons:</p> <ol style="list-style-type: none"> 1. There is no quantification of the effects or of the size of the water body which is being considered by this rule. 2. The rule includes uncertainties including how it would be determined whether there is a suitable site for the erection or a placement of a structure to avoid bed disturbance. 	<p>Amend Rule 13.5.1.8B as follows:</p> <p>The disturbance of the bed of any lake or river, or any Regionally Significant Wetland, by livestock where they are being intentionally driven, and any resulting discharge or deposition of bed material, is a permitted activity, providing there is no:</p> <ol style="list-style-type: none"> (a) Existing structure available for use; or, and there is no suitable site for the erection or placement of a structure, to avoid bed (b) Visual change in colour or clarity of water, after the disturbance ceases; or (c) Noticeable slumping, pugging or erosion. 	

or any Regionally Significant Wetland, by livestock where they are being intentionally driven ~~due to seasonal muster~~, and any resulting discharge or deposition of bed material, is a **permitted** activity, providing there is no: ~~it does not cause or induce slumping, pugging or erosion.~~

(a) Existing structure available for use, and there is no suitable site for the erection or placement of a structure, to avoid bed disturbance; or

(b) Visual change in colour or clarity of water, after the disturbance ceases; or

(c) Noticeable slumping, pugging or erosion.

Relevant provisions	Table 15.1		
Summary - amendment sought in submission	Fonterra sought that this table be withdrawn.		
Council's decision	Specific reasons for the Appeal	Relief sought	
The ORC decision amended this table, but did not withdraw it.	<p>Fonterra opposes the Table for the following reasons:</p> <ol style="list-style-type: none"> 1. The "characteristics" in Table 15.1 are subjective, and in some cases (such as the colour criteria, as noted in the table itself) will not be able to be met by water bodies in their natural state. 2. The Table does not give effect to the NPS-FM which requires limits to be set to deliver against objectives which are in turn related to the achievement and/or recognition of values in specific waterways. Table 15.1 applies a uniform approach across all waterways. 3. Table 15.1 is inappropriately broad in seeking to define uniform standards of water quality across the Region. A more catchment-specific set of narrative outcomes should be provided, relevant to each water body and its particular values. 	Modify or replace Table 15.1 with a table that is supported by the best available information and scientific and socio-economic knowledge taking into consideration all relevant water way characteristics and values at the catchment level.	
Relevant provisions	Table 15.2		
Summary - amendment	Fonterra sought that this table be withdrawn.		

sought in submission			
Council's decision	Specific reasons for the Appeal	Relief sought	
The ORC decision amended this table, but did not withdraw it.	<p>Fonterra opposes the Table for the following reasons</p> <ol style="list-style-type: none"> 1. The standards in Table 15.2 do not all appear to be based on "recognised water quality guidelines". For example, the ammoniacal nitrogen standards of 0.1 and 0.01 mg/l (depending on the receiving water group) are problematic. The current ANZECC guideline for ammoniacal nitrogen at a 95% species protection level is < 0.9 mg/l (single sample). The receiving water quality 'standards' for ammoniacal nitrogen for most water bodies are inconsistent with the technical evidence and have the potential to impose a unjustifiable barrier in relevant resource consent processes. 2. In any case, Fonterra considers that water quality guidelines should not of themselves be targets. 	Modify or replace Table 15.2 with a table that is supported by the best available information and scientific and socio-economic knowledge taking into consideration all relevant water way characteristics and values at the catchment level	
Relevant provisions	Schedule 16		
Summary - amendment sought in submission	Fonterra sought that this schedule be withdrawn		
Council's decision	Specific reasons for the Appeal	Relief sought	
The ORC decision amended Schedule 16, but did not	1. Fonterra opposes Schedule 16 for the reasons	1. Clarify the intent of the two schedules and their	

<p>withdraw it.</p>	<p>expressed earlier.</p> <p>2. It is also unclear as to what is the relationship between Schedule 16 and Schedule 15 – there appear to be dual and conflicting objectives in both schedules.</p>	<p>relationship.</p> <p>2. Modify or replace Schedule 16 with a table that is supported by the best available information and scientific and socio-economic knowledge taking into consideration all relevant water way characteristics and values at the catchment level via a future plan change.</p>
---------------------	---	--

APPENDIX B

**COPY OF FONTERRA'S SUBMISSION, FURTHER SUBMISSION AND
SUBMISSIONS REFERED TO BY FONTERRAS FURTHER SUBMISSION**

**APPENDIX C – DECISION OF THE OTAGO REGIONAL COUNCIL ON PC6A
(WATER QUALITY)**

APPENDIX D – LIST OF NAMES AND ADDRESSES OF PERSONS TO BE SERVED WITH A COPY OF THIS NOTICE

No.	Name1	Contact	Address 1	Address 2	Address 3	Post Code
2	Helen Constance		PO Box 9050		Dunedin	9047
3	David Wharton		4F Clayton Street	St Clair	Dunedin	9012
4	Colin Rawle		colinhr@ihug.co.nz			
5	Martin Ford		15 Miro Street	Kaka Point RD1	Balclutha	
6	Andrew McCurdy		1 Monowai Street	Ravenbourne	Dunedin	9022
7	Luxmore Dairies	Gerard Vallely	186 Webb Road	Waipahi RD1	Gore	9771
8	Stephen Cole		481 Ardmore Rd		Tapanui RD2	9587
9	Angus Chapman-Cohen		Lindis Downs, PO Box 21		Tarras	9341
10	W H Thomas		25 Sunshine Lane	Musselburgh	Dunedin	9013
11	Marianne Shennan		2 MacNee Street	Mornington	Dunedin	
12	Barry Williams		PO Box 31	Middlemarch		
13	Kelvin Milne		53 Earls Road	Saint Clair	Dunedin	
14	I Green		26 Stour Street		Oamaru	9400
15	Marie C McDonald		95A Aln Street		Oamaru	9400
16	Kaye Kearney		11 Jollys Road		Cromwell	9310
17	J Starke		14 David Street	Caversham	Dunedin	
18	Jim Oliver		2 Cherry Grove		Alexandra	9320
19	F R & R Penny		10A Earnsclough Road		Alexandra	
20	Paul Martin		390 North Road	North East Valley	Dunedin	9010
21	Zoe Mitchell		69 Greig Street	Broad Bay	Dunedin	
22	J H Manley		33 Tyne Street	Mosgiel	Dunedin	9024
23	Neil Douglas Cruickshank		15a Kenmure Street		Alexandra	9320

24	Tami and Jason Sargeant		469 Highgate	Maori Hill	Dunedin	9010
25	Lydia Edwards		14 Wairoa Street	Wakari	Dunedin	9010
26	Nina Pennycuick		54 Tyne Street	South Hill	Oamaru	9400
28	P R Lyders Trust	D W Lyders	53 McPherson Road	Berwick, No. 1 RD	Outram	9073
29	E J Munro		986 Brighton Road		Dunedin	9018
30	Donald Scott		55 Riccarton Road		Mosgiel	9024
32	Jeanette Spooner		41 Scarba Street	Roslyn	Dunedin	9010
33	David John Mackie		Kuriwao Homestead, 56 Hillfoot Road	RD 2	Clinton	9584
34	Patrick Alexander McGettigan		1 Killarney Street		Alexandra	9320
35	Lynne Hill		1 Aitken Place		Mosgiel	9024
36	Shag Valley Station	Johnny Bell	2353 Dunback / Morrisons Road	3RD	Palmerston	9483
37	Wayne & Billee Marsh		Maori Point Road, Lindis Crossing	PO Box 20	Tarras	0347
38	Alan G Cone & Judy Bagrie		Hanging Rock	RD 12 Pleasant Point	South Canterbury	7982
39	Hewett Farm Ltd	Rob Hewett	1233 Manuka Gorge Highway	South Otago	Lawrence	9593
40	Glenorchy Branch of Lakes Landcare	Iris Scott	C/- Rees Valley Station		Glenorchy	9372
41	Rees Valley Station Limited	Kate and Iris Scott	Rees Valley Station		Glenorchy	9372
42	G R Crutchley		1838 Puketoi Highfield Road	RD4	Ranfurlly	
43	Graeme Isbister		Totara	18 DRD	Oamaru	9192
44	Steve Hayward		109 Glenpark Ave	Maryhill	Dunedin	9011
45 & 1019	Hopefield Investments Ltd	Clive Cochrane	PO Box 2		Balclutha	
46	Mosgiel Taieri Community Board	Bill Feather	PO Box 5045		Dunedin	9058
47	Des Boyes		371 Pine Hill Road	Liberton	Dunedin	9010
48	Craig Werner		30 Howard Street	Macandrew Bay	Dunedin	9014

49	Roy A Wilson		29B Gordon Road		Mosgiel	
50	G & S Geddes		glenbrae@scorchotago.co.nz			
51	Marianne & Michael Parks		109 Mathesons Corner Road	RD 2	Tapanui	
52	J P Robertson		The Larches	RD1	Wanaka	9831
53	Melvyn Hollis		63 Stirling Crescent		Mosgiel	9024
54	North Otago Vegetable and Growers Association	Graeme Ormandy	5 O R D		Oamaru	
55	H F Adams		57 Kauri Street		Dunedin 9022	
56	Three Creeks Farm Ltd	IM & JA Isbister	63 Ardgowan Road	1 DRD	Oamaru	
57	University of Otago, Department of Zoology	Dr Christoph Matthaei	PO Box 56		Dunedin	9054
58	C P Mulholland		Rapid 969 Ranfurly Patearoa Road	RD4	Central Otago	9398
59	Glenayr Ltd (D & D Sangster)	Dawn & David Sangster	Glenfield	RD4	Ranfurly	9398
60	Phillip Hunt		Fork Farm, 100 Maungawera Road	2 RD	Wanaka	
61	S H Andrews and Sons Ltd	John Andrews	Waipiata	RD3	Ranfurly	
62	Green Party (Dunedin Branch)	Shane Gallagher	shane.montague-gallagher@otago.ac.nz			
63	Peter Deans & Graham Deans		1223 Owaka Valley Road		Owaka	
64	Providence Farm 2007 Ltd	P L Finlay	15 K RD		Oamaru	9494
65	Gerald Burgess		56 Langridge Rd		Temuka	7985
66	Barry John Burgess		723 Purakaunui Falls Road		Owaka	
67	G Evans		389 Barrs Falls Road	RD2	Owaka	
68	Greg Ramsay & Gae Stott		RD2		Owaka	9586
69	Peter T Borrie		Posthill	15 K R D	Oamaru	9494

70 & 1066	Hawkdun Idaburn Irrigation Company Limited	GF Dowling	RD3		Ranfurly	9396
71	B R Philpott		223 Morgan Road	RD2	Milton	9292
72	Simon Davies		1296 Coast Road	RD2	Milton	9292
73	Stephen Crawford		126 Lambourne Road	Kilmore Farm, RD4	Balclutha	9274
74	Eric Hopgood		41 Meadowstone Drive		Wanaka	
75	Loganbrae Ltd	Peter Aitken	Loganbrae	Ranfurly Road	Central Otago	
76	Glen Ayr Ltd (D & C Dundass)	Drew & Carolyn Dundass	917 Upper Taieri Paerau Runs Road	RD4 Paerau	Ranfurly	9398
77	Cross Family Trusts	William Owen Harrington	16 Herbs Place		Christchurch	
78	Jeff & Alison Thompson		Collie Downs, 397 Whitstone-Five Forks Road	RD 16D	Oamaru	9492
79	River-Estuary Care: Waikouaiti-Karitane	Patricia Vanderburg	47 Coast Road		Karitane	9440
80	Paul Crawford		637 Clifton Road	RD3	Balclutha	
81 & 1009	Braemorn Farm Ltd	C R & D J Mavor, S & T Mavor	2 DRD	Airdale	Oamaru	9492
82	Roger Fox		13 DRD		Oamaru	
83	Invernia Holdings Ltd	Russell Hurst	4 K RD		Oamaru	9494
84	Melvyn John Kington		129 Oamaru Creek Road	3 D RD	Oamaru	9492
85	Tim Petrie		Grande-Vue 403 Airedale Road	RD 5D, Weston	Oamaru	
86	N G Trevathan & M A Trevathan		Lindisvale	3 RD	Cromwell	9383
87	John McKenzie		1 C RD		Oamaru	9194
88	Alan L Wilson		120 Waikoata Valley Road		Owaka	
89	Ray Fox		203 Rosebery Road	1 D RD	Oamaru	9192
90	Kintyre Farms 2008 Ltd	M C Paterson & J R C Paterson	17 Paerau Road	4 RD	Ranfurly	9398
91	Mark Cain		309 Waimotu Road	RD 60	Oamaru	9495

92	E D Paton		211 Whitstone Road	RD 16D	Oamaru	9492
93	A J & T T Verbakel		329 State Highway 83		Oamaru	9494
94	Paul Corboy		Skilbister Farm	RD1	Milton	9291
95	Wallace Evan Strachan		15 KRD		Oamaru	9494
96	Trevor Meikle		Carnwath, 406 Devils Bridge Road	2 D RD	Oamaru	9492
97	David Botting		Blaindale	RD3, Tehouka	Balclutha	
98	Val Ridge Farm Ltd	Clayton Buckley	284 Carrs Road		Loburn	
99	Clive Blumden		437 Island Stream Road	10 D RD	Oamary	9492
100	Duncan Henderson		Happy Valley Station, 302 Hawksburn Road	RD2 Bannockburn	Cromwell	9384
101	Ross A & Alexa Wallace		182 Beacon Hill Road	Waipahi, RD1	Gore	9771
102	Glenshee Station Ltd (P Hore)	Peter Hore	Corniog Farm	PO Box 7	Wedderburn	9355
103	Southern District Health Board	Tom Scott	Private Bag 1921		Dunedin	9054
104	Alan McMillan		19 Haggart Street	RD2 Wingatui	Mosgiel	
105	Alastair Rutherford		The Point	RD3	Cromwell	9893
106 & 1005	Lower Waitaki Irrigation Company	Mr Chris Dennison	3 HRD		Oamaru	9493
107	Daniel Groundwater		12 Parklare Place	Weston	Oamaru	
108	Graham A Keep		62 Perth Street		Oamaru	9400
109	John Oughton		12 Otter Street		Oamaru	9400
110	Barry Fox		1 Gordon Street	Weston	Oamaru	
111	Phil James		100 Shortland Road	1 KRD	Oamaru	
112	Sarah Cooper		4 Nun Street	8 O RD	Herbert	
113	Fiona Rudduck		53 Till Street		Oamaru	9400
114	Teviot Irrigation Company Limited	Ralph Nichol	139 Woodhouse Road	RD1	Roxburgh	9571

115	Elderslie Dairy Farms Limited	Andrew Jeffries	84 Elderslie Road	RD 2C	Oamaru	9491
116	Stewart Morrison		242 Riverside Road	RD1 Inch Clutha	Kaitangata	9281
117	Bob Hollamby		5 H RD		Oamaru	9493
118	S A Hayes		228 Steward Road	4 H RD	Oamaru	9493
119	PGG Wrightson	Neville Langrish	PO Box 24		Oamaru	9444
120	A J & A J Anderson		6A Hart Street	Belleknowes	Dunedin	9011
121	Michael Rawlinson		1 Dalkeith Street	North East Valley	Dunedin	9010
122 & 1004	Albert McTainsh		Tahakopa Valley Road	RD2	Owaka	9586
123	Isbister Farms Limited	Lyndon & Jane Strang	67 Dunrobin Road	14C RD Five Forks	Oamaru	
124	Jane Young		PO Box 32		Owaka	9546
125	Finlay Family Trust		185 Gibson Road	15K RD	Oamaru	9494
126	Hawea Community Association	Rachel Brown	109 Loess Lane	RD2	Wanaka	
127	Mt Aspiring Station	Randall Aspinall	Box 94		Wanaka	9343
128	Cath Gilmour		19 Willow Place		Queenstown	9300
129	Belmont	John & Wendy Dodd	51 Dodds Road	13 C RD	Oamaru	9491
130	Strathburn Limited	Callum Wilson	545 Gladbrook Road		Middlemarch	9597
131	Grant Bradfield		83 Forsyth Road	2 RD	Owaka	9586
132	Andrew Jackson		285 Farquhar Road	2 RD	Owaka	9586
133	The Cow Farm Limited	G Scott	38 Marsh Road	Ettrick RD2	Roxburgh	9572
134	M B & J A Mitchell		7 Hurst Rd	RD2	Gore	9772
135	Foxhaven Farms Ltd	Tony Fox	107 Brockmans Rd	Airedale	Oamaru	
136	Mount Gowrie Station	James Macdonald	Clarks Junction - Sutton	SH87, RD2	Outram	
137	P J & A M Neame Ltd	Philip Neame	1862 Clinton Highway	2RD	Clinton	9584

138 & 1003	Waitaki District Council	David Campbell	Private Bag 50058		Oamaru	9444
139	Clutha Agricultural Development Board	Malcolm Deverson	6 John Street	PO Box 149	Balclutha	
140	Otago Conservation Board	Ainslee Hooper	Box 5244		Dunedin	9058
141	Eloise Neeley		PO Box 137		Balclutha	9240
142	Korteweg Family Trust	Stephen and Rhonda Korteweg	237 The Crescent Road		Kaitangata	9281
143	M L & P J Lord Family Trust	Mike Lord	330 Marshall Road	1 RD, Outram	Dunedin	9073
144	W L Hamilton		68 Tilverstowe Road	RD7C	Oamaru	9491
145	New Zealand Pork Industry Board	Jaye Hill	Massey University (IFNHH)	Private Bag 1122	Palmerston North	4442
146	Dairy NZ Limited	James Ryan	c/- PO Box 160	Lincoln University		7647
147	Pioneer Generation	Tony Jack	Ellis Street, PO Box 275		Alexandra	9340
148 & 1062	Glenshee Station Limited (Marks & Mouat)	H G Marks & C D Mouat, PJ Newland	c/- Goodman Tavendale Reid	PO Box 442	Christchurch	8140
149 & 1016	Ernslaw One Ltd	Peter Weir	PO Box 36	Tapanui	West Otago	
150	Dean McNeilly		14 McSkimming Lane	RD2	Balclutha	
151	Grant Isbister		4 DRD		Oamaru	
152	Trust for the estate of W J Johnston	William (Bill) Johnston	Clifton Falls, 33 Dunrobin Road	RD 15C, Five Forks	Oamaru	9491
153	Run 248m Ltd	Robin Malcolm Lawrence	PO Box 179		Greymouth	7804
154	Shalloch Farms Ltd	Neil Hamilton	287 Gibson Road	3KRD	Oamaru	9494
155	Corona Farms Ltd	Corrie & Donna Smit	46 Otakiri Road	RD2	Whakatane	3192
156	Andrew & Barbara Richardson		498 McPhersons Rd	RD 2K	Oamaru	
157	Nigel de Geest		PO Box 222		Oamaru	9444
158	Ranui Partnership	James Becker	Patearoa	RD4	Ranfurly	9398
159	Gerard Booth		141 Round Hill Road	RD19D	Oamaru	9492

160	Ruth McNamara		104 Russell Street		Alexandra	9320
161	Sam Kane		359 Luggate Tarras Road	RD3	Cromwell	
162	John Latta		2329 Owaka Valley Road	South Otago	Otago	9586
163	Matuanui Ltd	Nathan & Linda Wilson	Matuanui Farm	RD1	Balclutha	9271
164 & 1029	Strath Taieri Community Board	Barry Williams	c/- Dunedin City Council	PO Box 5045	Dunedin	9058
165	Jim Gibson		15 K RD		Oamaru	9494
166	Hunter Valley Station Ltd	D M Cochrane	Hunter Valley Station	Private Bag 9005	Wanaka	9343
167	James Watt		86 Hickey Road	Waipahi, RD1	Gore	
168	Dawn Dunjey		18 CRD		Oamaru	9491
169	Sydney Mann		25 Turnbull Street	Brockville	Dunedin	9011
170	Tony Hughes		175 Kaka Point Road	RD1	Balclutha	9271
171	J N & J M Lawson Family Trust	Jim Lawson	192 Steep Hill Road		Waikouaiti	9471
172	Peter George		36 Panmure Avenue		Dunedin	9012
173	Ross Hay		139 Clareview Road	12 ORD	Oamaru	9495
174	Niere Kitson		131 Horse Gully Road	Papakaio	Oamaru	9494
175	Logan Sopson		109 Eden Street		Oamaru	9400
176	Barry Diedrichs		389 Alma-Maheno	RD 18C	Oamaru	9491
177	Ewing Farms Ltd & Haddington Farms Ltd	Tony McDonnell	30 Phosphate Road	Clarendon RD1	Outram	9073
178	J R Hill		72 Loop Road	2 RD	Roxburgh	
179	Gilbert Black		252 Back Road	RD2	Milton	9292
180	Dan Smale		Private Bag 50061		Omakau	9352
181	Terisha Hubbard		248 Hillingdon Street	Normanby	Dunedin	9010
182	Quambatook Ltd	James McNally	5D RD Currie Road		Oamaru	9495
183	Trevor Stanger		149 Teaneraki Road	5D RD	Oamaru	9492

184	Kate Streeter		581 Grants Road	RD 7K	Oamaru	9494
185	Windsor Park Dairies Ltd	Callum Kingan	900 Weston Ngapara Road	2CRD	Oamaru	9491
186	Jock Webster		Mitchell & Webster Ltd	Rosedale 5D RD	Oamaru	9492
187 & 1060	Alliance Group Limited	John Kyle	Mitchell Partnerships	PO Box 489	Dunedin	9054
188	Raymond Grant Tisdall		452 Gladbrook Road	Middlemarch		9597
189	Lovells Creek Farm Ltd	Bryce Clark	76 Station Road	Lovells Flat	2RD Milton	9292
190	Bob Kingan		294 Parsons Road	1CRD	Oamaru	9491
191	Grant Ludemann		635 Burnside Road	17DRD	Oamaru	9492
192	Peter McNab		Lochindorb	Katea RD2	Owaka	9586
193	Rex & Penny Lowery			Tawanui RD2	Owaka	
194	Jeremy Wales		PO Box 4		Roxburgh	9441
195	Dairy Holdings Limited	Ben Williams	Chapman Tripp	PO Box 2510	Christchurch	8140
196	Clyde Dairy Farm Ltd	Dave Inder	274 Koau Raod	Paretai RD1	Balclutha	
197 & 1065	Te Runanga o Ngai Tahu, Moeraki & Otakou, Kati Huirapa Runaka Puketeraki, Hokonui Runanga	Tim Vial	KTKO Ltd	PO Box 446	Dunedin	9054
198	John Barlow		509 Ballantyne Road		Wanaka	9382
199	Ian Bryant		825 Centre Road	No 1 RD Outram		9073
200	Hopefield Investments Ltd (R Griffiths)	Robert Raymond Griffiths	5 Park Lane	Fairfield	Dunedin	
201	Dougal Rillstone		94 Grendon Street	Maori Hill	Dunedin	9010
202	Irrigation New Zealand Incorporated	Andrew Curtis	6 Sonter Road	Wigram	Christchurch	8042
203 & 1073	NZ Transport Agency	Denise Anderson	MWH NZ Ltd	PO Box 4	Dunedin	9058
204	NZ Agricultural Aviation Association	John G Sinclair	PO Box 2096		Wellington	

205	Deanne & Steve Amende		Taieri Ferry Road	RD1	Outram	9073
206 & 1059	Trustpower Limited	Laura Marra	Private Bag 12023		Tauranga	
207	M C Holland Farming Ltd	Frances Lojkine	MWH NZ Ltd	PO Box 4	Dunedin	9054
207	M C Holland Farming Ltd	Michael & Christine Holland	437 Waianakarua Rd	13 ORD	Oamaru	9495
208	Poplar Grove Station Ltd	Lindsay Geddes	626 Gladbrook Road		Middlemarch	9597
209	Blakely Pacific Limited	Philip Taylor	PO Box 13980		Christchurch	8141
210	Lakes Landcare	Tim Burden	Mt Burke Station	RD2	Wanaka	
211 & 1025	Dunedin City Council	Frances Lojkine	MWH NZ Ltd	PO Box 4	Dunedin	9054
211 & 1025	Dunedin City Council	Gene Ollershaw	Dunedin City Council	PO Box 5045	Dunedin	9058
212	T A Whiteside & Co Ltd	Craig Whiteside	232 Waiwera Station Road	RD2	Clinton	
213	Vivienne & Greg Kerr		RD1	Waikouaiti	Otago	9471
214	Willowview Pastures Ltd	Geoff Taylor	304 Kaik Rd	5 H R D	Oamaru	9493
215	Alan Grant Macgregor		159 State Highway 1	1 KR D	Oamaru	
216	Graham Butler		120 Steward Rd		Oamaru	
217	Locharburn Grazing Company	Joyce & Geof Brown	1764 Luggate Cromwell Road	RD3	Cromwell	9383
218	A P S Heckler Family Trust	Sid Heckler	415 Stoneburn Road	Dunback 3 RD	Palmerston	
219	Rimu Downs Ltd	Brett Burgess	437 Purakaunui Falls Rd	2 RD	Owaka	
220	Waverley Downs Ltd	John Whiteside	No 3 RD		Balclutha	
221	Hamish Anderson		Rotoiti Farm	280 Kaitangata Highway	Stirling	9231
222	Fulton Hogan Limited	Tim Ensor	URS New Zealand Limited	PO Box 4479	Christchurch	8140
223	Jeremy Bisson		110 McLennan Rd	Hawea Flat RD2	Wanaka	9382
224	Holcim (New Zealand) Limited	Tim Ensor	URS New Zealand Limited	PO Box 4479	Christchurch	8140

225	Preserve Our Water Society Inc	Kim Fogelberg & others	35 Loach Road	Hawea Flat RD2	Wanaka	9382
226	Dave Shaw		Emerald Road	Waitahuna West RD 3	Lawrence	
227	Medical Students For Global Awareness	Andrew Sise	4 Drivers Road	Maori Hill	Dunedin	
228	John Newlands Farming Company	John Newlands	33 Newlands Road	12A DRD	Oamaru	9492
229	Lauren O'Brien		1027 Highcliff Rd	RD2 Pukehiki	Dunedin	9077
230	Rowley Family		Lake Hawea Station	2 RD	Wanaka	9382
231	N Anderson		Branch Creek, Cardrona Valley Road	RD2	Wanaka	9382
232	Kawarau Station Limited	Richard John Anderson	Kawarau Station	2 RD	Cromwell	9384
233 & 1028	Central Otago Environmental Society Inc	D G Shattky	300 Dunstan Creek Rd	RD 2	Omakau	9377
269 & 1032	Horticulture New Zealand	Chris Keenan, Manager - Resource Management & Environment	PO Box 10 232		Wellington	
234	Michael O'Connor		66 McKerrow Road	11 ORD	Oamaru	
235	Dulce-Domum Trust	J F Ironside - Trustee	45 Bushey Park Road	No 2RD	Palmerston	9482
236	C C & G A Raughan		Glenomaru	RD 1	Balclutha	9271
237	David Blair		46 Meridian Street	Port Chalmers	Dunedin	9023
238 & 1070	Silver Fern Farms Limited	Jo Appleyard/Tania Low	Chapman Tripp	PO Box 2510	Christchurch	
239	N O Grant			RD1 Middlemarch	Dunedin	9596
240	Forest Range Ltd	Russel S & Jeanette Emmerson & David Emmerson	Forest Range Station	PO Box 9	Tarras	9347
241 & 1068	Fonterra Co-operative Group Limited	Sonia Anderson	Private Bag 92032		Auckland	1142
242	Rod Philip			2 RD	Palmerston	

243	Otago Rock Lobster Industry Organisation	Simon Gilmour	23 Erin Street	Roslyn	Dunedin	
244	D J & N A McLaren	Donald James McLaren	124 Mercer Road	RD1	Balclutha	9271
245	Richard Plunket		77 Boundary Creek Road	1.H.R.D	Oamaru	9493
246	Otago Commercial Fishing Sector	Bill Chisholm	Chisholm Associates	PO Box 2	Omarama	9448
247	Viewmont Limited	A D Newlands	289 Kauru Hill Road	12 BDRD Maheno	Oamaru	
248	Ravensdown Fertiliser Co-operative Ltd	Chris Hansen Consultants Ltd	PO Box 51-282	Tawa	Wellington	5249
249	Sandy Bay Ltd	S B Harrison & J H Weedon	716 Ahuriri Flat Road	Otekura RD1	Balclutha	9271
250	Waihemo Water Catchment Society Inc	Don McLenaghan		RD3 Dunback	Palmerston	9483
251 & 1014	Meridian Energy Limited	Andrew Feierabend	PO Box 2454		Christchurch	8140
252 & 1010	New Zealand Fertiliser Manufacturers Research Association Inc (Fert Research)	Greg Sneath, Chris Hansen Consultants Ltd	PO Box 51-282	Tawa	Wellington	5249
253	B Landreth Ltd	Gavin William Landreth	220 Catherwood Road	Katea	Owaka	9546
254	John Lee & Dennis Pezaro		PO Box 126		Wanaka	9343
255	Queenstown Lakes District Council	Phillip Pannett	10 Gorge Road	Private Bag 50072	Queenstown	
255	Queenstown Lakes District Council	Jonathan Richards	10 Gorge Road	Private Bag 50072	Queenstown	
256 & 1015	Rayonier New Zealand Ltd	Kelvin Meredith	PO Box 13 285		Tauranga	3141
257 & 1031	Waitaki Irrigators Collective Limited	Elizabeth Solal	PO Box 159		Oamaru	9444
258	LAC Property Trust	Jan Caunter	Galloway Cook Allan	PO Box 450	Wanaka	9343
259 & 1006	B & J Smith		457 Dunrobin Road	RD14C	Oamaru	9491
260 & 1061	North Otago Irrigation Company	Robyn Wells, Chief Executive	PO Box 216		Oamaru	9400
261	Bernard Lynch		183 Taieri Rd		Dunedin	9010

262	Ballance Agri-Nutrients Ltd	Nigel Sadler	Private Bag 12503		Tauranga	3143
263 & 1074	DF1 Ltd and DF3 Ltd, being partners of the Dairy Farms Partnership	Robert Enright, DLA Phillips Fox	22nd Floor, DLA Phillips Fox Tower	209 Queen St	Auckland	1010
264	4650 Matarae Station Ltd	William Jones	Sutton Clarkes Junction Road	RD 2	Outram	9074
265	Graeme & Jane Hogg		4 Tuapeka West Rd		Lawrence	9591
266	Clyde Douglas		388 kauru Hill Rd		Oamaru	9492
267 & 1055	Environmental Defence Society	Kelsey Serjeant	PO Box 91736	Victoria Street West	Auckland	1142
268	Colin Scurr	Phil Page / Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
270	Marc Schallenberg		58 Gladstone Rd	Dalmore	Dunedin	9010
271 & 1007	Forest and Bird	Sue Maturin	Box 6230		Dunedin	9016
272	Ken Telford		27 Telford Road, 2RD		Clinton	9584
273	Fish and Game (Central South Island)	Zella Smith	PO Box 150		Temuka	7948
274	ALT Holdings Ltd	Lynnore Templeton	175 Mt Stoker Road, RD3		Middlemarch	9598
275	T M and C M Scurr		Tuohys Gully 2127D	Cardrona	Wanaka 2RD	9382
276	Karl Guy		343 McPhersons Rd, 6H RD		Oamaru	
277	Mark Kingsbury		15 KRD		Oamaru	9494
278 & 1057	Federated Farmers of New Zealand	Matt Harcombe	PO Box 5242		Dunedin	9058
279	Wenita Forest Products	David Cormack	PO Box 341	Mosgiel	Dunedin	
280	Annie Stuart		37 Duncan St		Dunedin	
281	Sue Coutts		110 McLennan Rd	RD2 Hawea Flat	Wanaka	9382

282	New Zealand Institute of Forestry - Te Putahi Ngaherehere o Aotearoa Incorporated, Otago/Southland Section	Dr Angus McPherson	C/- PO Box 5837	Moray Place	Dunedin	9058
283 & 1071	City Forests Limited	Peter Oliver	PO Box 210		Dunedin	9054
284 & 1013	Contact Energy Limited	Rosemary Dixon	PO Box 10-742		Wellington	
285 & 1072	Oceana Gold (New Zealand) Limited	Maree Baker-Galloway	Anderson Lloyd	Private Bag 1959	Dunedin	9054
286	Cardrona Land Care Group	Jan Caunter	Galloway Cook Allan	PO Box 450	Wanaka	9343
287	Fish and Game (Otago)	Maree Baker-Galloway / Peter Wilson	Anderson Lloyd	Private Bag 1959	Dunedin	9054
288	Paterson Pitts Partners Ltd	Peter Dymock	PO Box 84		Cromwell	9342
289	Southern Wood Council	Grant Dodson	PO Box 904		Dunedin	9054
290	Waitensea Ltd	Jonathan Davis	12 Clark St	Sumner	Christchurch	8018
291	Beaton Family	Mark Beaton	1388 Berwick Road	1 RD	Outram	9073
292 & 1056	Otago Water Resource Users Group	John Williamson	Checketts McKay Law Limited	PO Box 41	Alexandra	9340
293	Deer Industry New Zealand	Tony Pearse	Level 5 Wellington Chambers, 154 Featherston Street		Wellington	6143
294	Dugald MacTavish			Moeraki, RD 2	Palmerston	
295	Neil Smith		5 HRD		Oamaru	
296	Janefield Farm	Ian Bathgate	295 Nichols Road, 1 RD		Outram	
297	Clydevale Dairy Farms Ltd	Alan Cubitt	11 Bedford Street	St Clair	Dunedin	9012
298	Greenfield Farming Ltd	Alan Cubitt	11 Bedford Street	St Clair	Dunedin	9012
299	Big River Dairy Limited	Alan Cubitt	11 Bedford Street	St Clair	Dunedin	9012
300	M W Smith		27 McDonalds Road, 4H RD		Oamaru	9493

301	William John Pile		967 Steward Road, RD 6H		Oamaru	9493
302	Graylands Farms Ltd	Barry & Liz Gray	2610 Owaka Highway, RD 2		Owaka	9536
303	Allan Kirkland		Elm Grove	RD2	Mosgiel	9092
304	Philip, Heather & Geoff Wilson		13 Wickliffe Street		Mosgiel	9024
305	Andrea Clarke		116 Signal Hill Road	Opoho	Dunedin	9010
306 & 1011	The Director-General of Conservation	Ken Murray	Department of Conservation	PO Box 5244	Dunedin	9016
307	Northburn Limited	Tom Pickney		RD 3	Cromwell	
308 & 1050	Clutha District Council	Phil Page / Bridget Irving	C/- Gallaway Cook Allan	PO Box 143	Dunedin	9054
309	Clutha District Council and Central Otago District Council	Bridget Irving	Gallaway Cook Allan	PO Box 143	Dunedin	9054
310 & 1040	RG & SS Burdon, Glendene Ltd	Bridget Irving	Gallaway Cook Allan	PO Box 143	Dunedin	9054
311 & 1036	Ben Graham	Phil Page/Bridget Irving	C/- Gallaway Cook Allan	PO Box 143	Dunedin	9054
312	Wyllies Crossing Limited	Phil Page/Bridget Irving	C/- Gallaway Cook Allan	PO Box 143	Dunedin	9054
313 & 1049	Calder Stewart Industries Limited	Phil Page/Bridget Irving	C/- Gallaway Cook Allan	PO Box 143	Dunedin	9054
314 & 1039	David Greer, Greer Farms Partnerships	Bridget Irving	Gallaway Cook Allan	PO Box 143	Dunedin	9054
315	D J & J C Andrew & the D J Andrew Family Trust & Partnership	Bridget Irving	Gallaway Cook Allan	PO Box 143	Dunedin	9054
316	Joan Hodge, Homestead Farm Limited	Bridget Irving	Gallaway Cook Allan	PO Box 143	Dunedin	9054
317	Rob van Vugt & Sunset Dairy Limited	Bridget Irving	Gallaway Cook Allan	PO Box 143	Dunedin	9054
318	G B & R E Gardner Partnership	Bridget Irving	Gallaway Cook Allan	PO Box 143	Dunedin	9058
319 & 1043	Macraes Community Incorporated	Bridget Irving	Gallaway Cook Allan	PO Box 143	Dunedin	9054

320 & 1048	Mainland Poultry Limited	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
321 & 1037	Travis Michelle	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
322	Robert Borst	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
323 & 1038	Dunedin International Airport Limited	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
324	A W B Elliot	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
325	Simon Parks	Phil Page and Bridget Irving	C/- Galloway Cook Allan	PO Box 143	Dunedin	9054
326	Kyeburn Pastoral Company Ltd	Phil Page & Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
327	Lone Star Farms Ltd	Boyd MacDonald	PO Box 1242		Nelson	
328	Peter Rowland			1 CRD	Oamaru	9491
329	Richard Willams		RD 15 K		Oamaru	9494
330 & 1018	Ronald Sheat		2 RD		Palmerston	9482
331	R & M Borrie Ltd	Rogan Borrie	15 KRD		Oamaru	9494
332	Graham & Pam Hunter		202 Kononi Road	RD1	Lawrence	
333	Lake Edge Farms Ltd	Karl Burgess	87 Lakeside Road	2RD	Owaka	9586
334	Alastair Cocks		Braeburn	RD1	Clinton	9583
1001	Teviotdowns Ltd	Mike Paterson		RD2	Roxburgh	9572
1002	ME Elston	Jenny Grimmett	Cardno (NZ) Limited	PO Box 13-142	Wellington	6440
1008	DJ & KR Scott		Hazel Hills	Ida Valley, RD1	Oturehua	
1012	Craiglea Limited	Jan Caunter	Galloway Cook Allan	PO Box 450	Wanaka	9343
1017	Auripo Enterprises Ltd	John Mulholland	1286 Auripo Road	RD2	Oturehua	9387
1020	JH William & KA McNally		1478 Auripo Road	RD2	Oturehua	
1021	RJ McNally		697 Auripo Road	RD2	Oturehua	
1022	Quinten & Bronwyn Pringle		Rapid 4996		Ettrick	9572

1023	Pypers Produce Ltd	Brent Lamb	1035 Branxholme Road	4 RD	Invercargill	
1024	Kim & Mary Heany		843 Auripo Road	2RD, Poolburn	Oturehua	
1026	TJ & NM Arthur		184 McNally Road	Poolburn, RD2	Oturehua	9384
1027	Fish and Game (Otago)	Peter Wilson	PO Box 76		Dunedin	9054
1030	New Zealand Wind Energy Association	Ben Farrell	PO Box 553		Wellington	6140
1033	Ida Valley Station / Ida Valley Irrigation Co	John Paterson	6 Kerry Street		Alexandra	9320
1034	RJ Borst	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1035	NS Mackenzie	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1041	TE & JA Craig	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1042	DJ & Mrs JC Andrew	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1044	GV & Mrs RE Gardner	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1045	AWB Elliot	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1046	J Hodge	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1047	RP & RR Van Vught	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1051	Central Otago District Council	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1052	Moutere Station Limited	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1053	RN & JA Cavanagh, Hawkdun Station	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1054	Central Otago Wine Growers Association	Bridget Irving	Galloway Cook Allan	PO Box 143	Dunedin	9054
1058	Isa Holdings Ltd	Grant Isbister	4 DRD		Oamaru	9492
1063	John Webster	Mitchell & Webster Ltd	Springfield	6 DRD	Oamaru	9492
1064	Peter Mitchell	Mitchell & Webster Ltd	213 Airedale Road	Rosedale, RD 5D	Oamaru	9492
1067	Ettrick Fruitgrowers Association Inc	Mark Darling	SH8		Ettrick	9538
1069	Nicholas Webster		35 Station Road	7 DRD	Oamaru	9492

1075	Blackstone Hill Ltd	Ralph Hore	Becks	RD2, Omakau	Central Otago	
1076	Snowline Ltd	Glen McDonald	22 Pringle Road	RD2	Roxburgh	
1077	Greenfield Rural Opportunities Limited	Aiden Prebble	Cavell Leitch Pringle & Boyle	PO Box 799	Christchurch	8140