

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

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

**AND** appeals under clause 14 of the First Schedule of the Act

**BETWEEN** **WILKINS FARMING CO LIMITED**

Appellant:

ENV-2018-CHC-000030

Section 274 Party:

ENV-2018-CHC-000044

ENV-2018-CHC-000045

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

Respondent

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**NOTICE OF MOTION**

**5 NOVEMBER 2021**

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**Counsel instructed:**  
B S Carruthers  
Shortland Chambers  
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PO Box 4338  
Auckland 1140

**TO: THE REGISTRAR**

**ENVIRONMENT COURT**

**CHRISTCHURCH**

1. Wilkins Farming Co Limited (**Wilkins**) opposes the withdrawal of the parts of the following appeals relating to Rule 20(a)(iii)(1):
  - (a) ENV-2018-CHC-000044: Campbell's Block Limited
  - (b) ENV-2018-CHC-000045: Robert Grant
2. The grounds for the opposition are:
  - (a) Robert Grant, Campbell's Block and Wilkins all filed primary submissions on the proposed rules relating to Intensive Winter Grazing (**IWG**) in the proposed Southland Water and Land Plan (**pSWLP**).
  - (b) The Wilkins' submission raised concerns with the IWG controls in the pSWLP and requested a number of amendments to the notified rules. Its submission requested the removal of any restriction on the maximum hectares of IWG per farm, suggested a percentage control, if used, of 30-40% of total landholding and requested any regulation instead be linked to water quality outcomes.
  - (c) Robert Grant and Campbell's Block appealed part of the IWG rule, Rule 20(a)(iii)(1), to the Environment Court.
  - (d) Wilkins filed s274 parties in support of the relief sought in those appeals as it relates to the IWG rule, Rule 20(a)(iii)(1).
  - (e) In accordance with s274(4B) of the Act, Wilkins can call evidence that is within the scope of these appeals provided it is also "on matters arising out of [its] submission" on the pSWLP. Given the breadth of the Wilkins' submission, there is no doubt as to Wilkins right to call evidence in support of the request to amend Rule 20(a)(iii)(1) as sought in the appeals.
  - (f) Robert Grant and Campbell's Block seek to withdraw their appeals in their entirety.

- (g) In accordance with s274(5) of the Act, Wilkins can oppose the withdrawal of the appeals by Robert Grant and Campbell's Block as they relate to Rule 20(a)(iii)(1).
- (h) Wilkins opposes the withdrawal in accordance with its right to do so under s274(5). It wishes to step into the shoes of the appellants and continue to seek the removal of "or 100 hectares, whichever is the lesser area" from Rule 20(a)(iii)(1).
- (i) There is no reason for this Court to exercise its discretion to allow the withdrawal despite this opposition.

3. The following documents are attached:

- (a) An affidavit in support of the opposition from Sean Wilkins on behalf of Wilkins Farming Co Limited;
- (b) A list of the names and addresses to be served with a copy of this notice.

**Dated** 5 November 2021



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**B S Carruthers**  
Counsel for Wilkins Farming Co Limited

**Address for service of applicant:**

c/- Bronwyn Carruthers

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## **Advice to recipients of copy of notice of motion**

### ***How to become party to proceedings***

If you wish to become a party to the proceedings, you must lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant within 15 working days after—

- (a)** the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- (b)** the decision to hold an inquiry, if the proceedings are an inquiry; or
- (c)** the proceedings are commenced, in any other case.

You must serve copies of your notice on all other parties within 5 working days after the period for lodging this notice with the Environment Court ends.

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](#)). 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.

### ***How to be heard on this application***

If you wish to be heard on this application, you must lodge a notice (in [form 37](#)) with the Environment Court and serve a copy of the notice on the applicant within 15 working days after you were served with this notice.

### ***Advice***

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

**List of names and addresses of persons to be served:**

Southland Regional Council c/- Wynn Williams

Robert Grant c/- Jeff Walker

Campbell's Block Limited c/- Jeff Walker

Aratiatia Livestock Limited c/- Douglas Allan

Fairlight Station Limited c/- Jeff Walker

Federated Farmers c/- Peter Wilson

Gunton Farms Limited c/- Jeff Walker

Mt Peel Station c/- Logan and Nicole Evans

Royal Forest and Bird c/- Sally Gepp

Southland Fish and Game c/- Sally Gepp