

BEFORE THE ENVIRONMENT COURT

ENV-2018-CHC-000040

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an Appeal under clause 14 of the First Schedule of the Resource Management Act 1991 in relation to the proposed Southland Water and Land Plan

BETWEEN FEDERATED FARMERS OF NEW ZEALAND
(SOUTHLAND PROVINCE)

Appellant

AND

SOUTHLAND REGIONAL COUNCIL

Respondent

NOTICE OF REQUEST TO BE PARTY TO PROCEEDINGS UNDER SECTION 274 OF THE RESOURCE
MANAGEMENT ACT 1991

GUNTON FARMS LIMITED

Dated this 22 day of June 2018

PRESENTED FOR FILING BY:

Counsel for the Appellant

Clare Lenihan

Barrister

102 Jed Street

INVERCARGILL 9810

Tel: (03) 214 1674

E: clare.lenihan@environmentallawyer.co.nz

Instructing Counsel

Jeff Walker

Walker Murdoch Law Ltd

PO Box 1188

INVERCARGILL 9840

Tel: (03) 214 0777

E: jeff@wmlaw.co.nz

**NOTICE OF REQUEST TO BE A PARTY TO PROCEEDINGS UNDER S274 OF THE RESOURCE
MANAGEMENT ACT BY GUNTON FARMS LIMITED**

1. Gunton Farms Limited ("**Gunton Farms**") wishes to be a party to Notice of Appeal ENV-2018-CHC-000040 dated 17 May 2018 by Federated Farmers of New Zealand (Southland Province) to the Environment Court ("**the Appeal**") against the Decision of the Southland Regional Council on the Proposed Southland Water and Land Plan.
2. Gunton Farms is entitled to be a party to the Appeal because it made a Submission on the Proposed Plan.
3. Gunton is not a trade competitor for the purposes of s308C or s308CA of the Resource Management Act 1991.
4. Gunton Farms is interested in that part(s) of the Appeal that relates to:

Rule 20(a)(iii) Farming, in particular:

- a. The restriction in the Proposed Plan on the size of area allowed to be grazed, 100 ha or 15% of a landholding, whichever is lesser - Rule 20(a)(iii)(1)
- b. The need to back-fence stock when an area is being break or block fed- Rule 20(a)(iii)(3)(B)
- c. The requirement for portable feeders when supplementary feeding 20(a)(iii)(3)(D)
- d. The restriction on mob size to 120 cattle or 250 deer 20(a)(iii)(3)(E)

Rule 25(a) Cultivation on sloping ground, in particular:

- a. The setbacks proposed, Rule 25(a)(ii)
 - b. The slope on which cultivation can occur, Rule 25(a)(iv)
 - c. A new definition of minimum tillage to be inserted into the Proposed Plan, the Glossary.
5. Gunton Farms supports the relief sought in the Appeal regarding Rule 20(a)(iii) Farming and Rule 25(a) Cultivation on sloping ground (as set out above) for the reasons set out below.

Rule 20(a)(iii) Farming

(i) The restriction on the size of area allowed to be grazed, 100 ha or 15% of a landholding, whichever is lesser - Rule 20(a)(iii)(1)

6. Argyle Station (run by Gunton Farms) is one of Southland's largest landholdings comprising a total land area of 14,600 ha, consisting of flood prone river flats (465 ha), rolling to moderate dry stock grazing (6.700ha) and alpine range (7,435 ha).
7. Due to the size and scope of the farming operation there is a need to renew pasture on a regular basis, including the need to put land through fodder crop as part of a rotation. This can run to around 500ha, which is far in excess of the 100ha limit imposed by the proposed rule, which is prohibitive.
8. It is difficult to see how water quality will be improved on Gunton Farms if a consent has to be obtained to winter graze on more than 100ha.

(ii) The need to back-fence stock when an area is being break or block fed- Rule 20(a)(iii)(3)(B)

9. This proposal in the Proposed Plan can lead to concentration of stock in one area and animal welfare issues where there is no shelter and they can get stuck in muddy areas.

(iii) The requirement for portable feeders when supplementary feeding 20(a)(iii)(3)(D)

10. Portable feeders can have greater effects than other methods, e.g. manual feeding, given the tendency for animals to cluster around the feeder. There are also times of year e.g. cold winter freezes, when other methods are more effective, with little or no increase in adverse effects.

(iv) The restriction on mob size to 120 cattle or 250 deer 20(a)(iii)(3)(E)

11. It is unclear what sized area the provision in the Proposed Plan applies to.
12. Given Gunton farms runs a number of significant farms as one operation, this rule could have far reaching, unintended consequences.
13. It creates a meaningless split of mobs (herds) for the same or sometimes lesser environmental impact.

14. Larger properties are penalised because of the larger scale, larger mobs (herds) and more land per animal.

Rule 25(a) Cultivation on sloping ground, in particular:

(i) The setbacks proposed, Rule 25(a)(ii)

15. The setbacks in the Proposed Plan:
- a. Result in a loss of productive land;
 - b. create breeding grounds for weeds and pests;
 - c. result in greatly increased costs of maintenance, including spraying;
 - d. potentially devalues the Appellant's (and other) property;
 - e. is not necessary, as with good management practices (as required in the Farm Environmental Management Plan), any adverse effects associated with a smaller setback can be adequately avoided, remedied or mitigated;

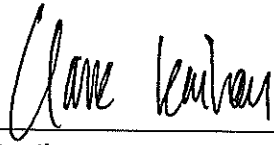
(ii) The slope on which cultivation can occur, Rule 25(a)(iv)

16. The limit on cultivation in the Proposed Plan as a permitted activity over land with a slope greater than 20 degrees:
- a. Results in a loss of productive land – large areas of Gunton Farms (and other) land is over 20 degrees and cultivated. Land above 20 degrees is not always necessarily near waterways;
 - b. creates breeding grounds for weeds and pests;
 - c. results in greatly increased costs of maintenance, including spraying;
 - d. potentially devalues the Appellant's (and other) property;
 - e. is not necessary, as with good management practices (as required in the Farm Environmental Management Plan), any adverse effects associated with a smaller setback can be adequately avoided, remedied or mitigated;

17. And on the grounds set out in the Appeal.

18. Gunton Farms agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Signed for and on behalf of Gunton Farms Limited:-



Clare Lenihan
Counsel

Dated this 22 day of June 2018

Address for service of s274 party:

The offices of Clare Lenihan

Barrister

102 Jed Street

Invercargill 9810

Tel: (03) 214 1674

E: clare.lenihan@environmentallawyer.co.nz