

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2018-CHC-000028

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under clause 14(1) of the First
Schedule of the Resource Management Act 1991
in relation to the Proposed Southland Water and
Land Plan

BETWEEN **Horticulture New Zealand**
Appellant

AND **Southland Regional Council**
Respondent

**NOTICE OF RAVENSDOWN LIMITED'S
WISH TO BE A PARTY TO PROCEEDINGS PURSUANT TO
SECTION 274 OF THE RESOURCE MANAGEMENT ACT 1991**

To: The Register
Environment Court
Christchurch

1. Ravensdown Limited (**Ravensdown**) wishes to be a party to an appeal by Horticulture New Zealand (**HNZ**) under clause 14(1) of the First Schedule of the Resource Management Act 1991 (**RMA**) in relation to the Respondent's decisions on the Proposed Southland Water and Land Plan (**pSWLP**).
2. This notice is made as Ravensdown submitted and further submitted on the provisions of the pSWLP to which this appeal relates.
3. Ravensdown is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
4. Ravensdown has an interest in the following parts of the proceedings:
 - (a) Rule 14(a) – Discharge of fertiliser.
 - (b) Definitions – 'Natural wetland' and 'Wetland'.

5. **Rule 14(a) – Discharge of fertiliser**

- 5.1 Rule 14(a) provides for the discharge of fertiliser onto or into land as a permitted activity, subject to conditions, including condition (iv) which has been appealed by the Appellant. The decisions version of condition (iv) of Rule 14(a) reads:

- (iv) where a lake, river (excluding ephemeral rivers), artificial watercourse, modified watercourse or wetland:*
- (1) has riparian planting from which stock is excluded, fertiliser may be discharged up to the paddock-side edge of the riparian planting but not onto the riparian planting, except for fertiliser required to establish the planting; or*
 - (2) does not have riparian planting from which stock is excluded, fertiliser is not discharged directly into or within 3 metres of the bed or within 3 metres of a wetland.*

- 5.2 The Appellant, as outlined in Section 6 of this notice, has appealed the definition of 'natural wetlands' and 'wetlands' and given this request have sought clarity as to how the definitions are applied within Rule 14(a). Given the amendments to 'natural wetland' (i.e., including sediment traps and artificial wetlands in the listed exclusions) requested, the Appellant requests the following amendment to condition (iv) of Rule 14(a):

- (iv) where a lake, river (excluding ephemeral rivers), artificial watercourse, modified watercourse or natural wetland:*
- (1) ...*

- (2) *does not have riparian planting from which stock is excluded, fertiliser is not discharged directly into or within 3 metres of the bed or within 3 metres of a natural wetland.*

5.3 Ravensdown submitted on Rule 14 requesting amendments¹. While these amendments were rejected, Ravensdown did not appeal the decision as it was comfortable with the decisions version of the rule. Ravensdown therefore opposes the relief being sought by HNZ.

6. Definitions – ‘Natural wetland’ and ‘Wetland’

6.1 The decisions versions of the definitions which have been appealed are effectively the same as the notified versions. The decisions versions of the definitions of ‘natural wetlands’ and ‘wetlands’ are as follows:

Natural wetland - *Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions, but excludes:*

- (a) *wet pasture, damp gully heads, or where water temporarily ponds after rain or pasture containing patches of rushes;*
- (b) *effluent ponds;*
- (c) *artificial storage facilities and detention dams;*
- (d) *artificial watercourses such as conveyance and drainage canals;*
- (e) *reservoirs for firefighting, domestic or community water supply; and*
- (f) *engineered soil conservation structures.*

Wetland - *Includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions. [See also definition of “Natural Wetland”].*

6.2 The Appellant has appealed these definitions seeking:

- (a) the inclusion of ‘sediment traps’ or ‘artificial wetlands’ in the list of ‘natural wetland’ exclusions; and
- (b) either including the complete natural wetlands exclusion list under the definition for ‘wetlands’ including the two additional exclusions requested under this appeal; or
- (c) amend all references to ‘wetlands’ in the rules, including Rule 14(a), to ‘natural wetlands’ so the list of exclusions apply.

6.3 Ravensdown did not submit on these definitions. However, the relief sought has potential implications for Rule 14 (refer to Section 5 above) which Ravensdown did submit on. Ravensdown did not appeal the decision in relation to Rule 14 as it was comfortable with the decisions version of the rule. Therefore, Ravensdown opposes the relief being sought in relation to these definitions as they relate to Rule 14.

7. Ravensdown agrees to participate in mediation or alternative dispute resolution of the proceedings.

¹ Submission point 661.35.



Carmen Taylor

Planz Consultants Limited

On behalf of Ravensdown Limited

Dated: 22 June 2018

Address for service:

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A copy of this notice has been served on the following parties:

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