

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**ENV-2018-CHC-000037**

**IN THE MATTER**      the Resource Management Act 1991 ("**RMA**")

**A N D**

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

**BETWEEN**            **Southland Fish and Game Council**

Appellant

**A N D**                    **Southland Regional Council**

Respondent

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**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS UNDER  
SECTION 274 OF RMA**

**ARATIATIA LIVESTOCK LIMITED**

Dated this 1<sup>st</sup> day of June 2018

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**ELLIS GOULD  
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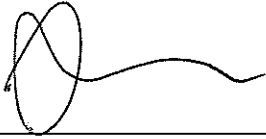
**REF: Douglas Allan**

**Notice of wish to be party to proceedings under section 274 RMA by Aratiatia  
Livestock Limited**

1. Aratiatia Livestock Limited ("**Aratiatia**") wishes to be a party to Notice of Appeal ENV-2018-CHC-000037 dated 17 May 2018 by Southland Fish and Game Council, c/- John Edmonds & Associates (for: Ben Farrell) ([ben@jea.co.nz](mailto:ben@jea.co.nz)) to the Environment Court ("**the Appeal**") against the decision of the Southland Regional Council on the Proposed Southland Water and Land Plan ("**the Plan**").
2. Aratiatia is entitled to be a party to the Appeal because:
  - (a) It lodged Notice of Appeal ENV-2018-CHC-000029 dated 16 May 2018 ("**Aratiatia Appeal**") which seeks relief on matters addressed in the Appeal.
  - (b) It owns and farms land on the right (western) bank of the Waiau River, the management of which will be directly affected by the relief sought in the Appeal.
3. Aratiatia is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
4. Aratiatia is interested in and opposes the relief sought in the Appeal in respect of the following provisions:
  - (a) Objectives 2, 6, 13 and 18;
  - (b) Policies 10, 13, 16, 18, 20 and 45; and
  - (c) Rules 14, 20, 25 and 70.
5. The reasons for Aratiatia's opposition to the Appeal are:
  - (a) The relief sought in the Appeal is inappropriate in terms of section 32 of the RMA and contrary to the purpose, principles and other provisions of the RMA.
  - (b) The relief sought in the Appeal will generate unnecessary and inappropriate adverse effects on the environment and in particular on land management practices within the Waiau River catchment.
  - (c) The relief sought will create uncertainty in the implementation of the Plan.
  - (d) The grounds set out in the Aratiatia Appeal.
  - (e) The additional reasons set out in **Schedule 1**.

6. Aratiatia agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**Signed for and on behalf of Aratiatia Livestock Limited by  
Its solicitors and duly authorised agents Ellis Gould:**



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**D A Allan**

Dated this 15<sup>th</sup> day of June 2018

**Address for Service of Section 274 Party:** The offices of Ellis Gould, Solicitors, Level 17, The Vero Centre, 48 Shortland Street, Auckland (PO Box 1509, Auckland, 1140), DX CP22003, Phone: 09 307-2172, Facsimile, 09 358-5215. Attention: D A Allan, Email: [dallan@ellisgould.co.nz](mailto:dallan@ellisgould.co.nz)

**Schedule 1 – Additional reasons for opposing provisions**

Provision	Aratiatia's position regarding item of relief sought by Appellant	Additional Reasons for Aratiatia's position
Objective 2	Oppose	Primary production's contribution to the Southland economy relative to other regions warrants its explicit mention.
Objective 6	Oppose	"Overall" is consistent with the NPSFM
Objective 13	Oppose	The proposed requirement to avoid adverse effects on the quantity, quality and structure of soil resources in 13(a), as opposed to a requirement to 'not irreversibly degrade' such resources, is a bar so high that it could unnecessarily and inappropriately prevent cultivation and intensive winter grazing.
Objective 18	Oppose	'Good management practice' is preferable to 'best practicable option'.
Policy 10	Oppose	As for Objective 18.
Policy 13	Oppose	As for Objective 2.
Policy 16	Oppose	The combination of 'avoiding' and 'in the catchments of Regionally Significant Wetlands and Sensitive Waterbodies' in Policy 16(1)(a) will unnecessarily and inappropriately prevent intensification of farming activities across large areas of Southland, including the entire Waiiau Catchment. 'Good management practice' is preferable to 'best practicable option'.
Policy 18	Oppose	The definition of ephemeral river in the pSWLP is sufficiently uncertain that it could be interpreted to include any area of relief within a paddock that carries water in high rainfall events.
Policy 20	Oppose	As for Objective 2.
Policy 45	Oppose	The proposed relief will significantly reduce the flexibility of communities and the Regional Council to use the limit setting process to tailor water management to the specific needs of each catchment by making it a requirement that the FMU specific provisions can only be more stringent than the region wide provisions.

Rule 14	Oppose	As for Policy 18. Similarly for critical source areas.
Rule 20	Oppose	As for Rule 14.
Rule 25	Oppose	As for Rule 14.
Rule 70	Oppose	As for Rule 14.