

**BEFORE THE ENVIRONMENT COURT**

**ENV-2018-CHC-000037**

**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** **SOUTHLAND FISH AND GAME COUNCIL**

**Appellant**

**AND**

**SOUTHLAND REGIONAL COUNCIL**

**Respondent**

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**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

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**PRESENTED FOR FILING BY:**

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**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-000032 dated 17 May 2018 by Southland Fish and Game Council 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 Farms is not a trade competitor for the purposes of s308C or s308CA of the Resource Management Act 1991.

**Interest in Appeal**

4. Gunton Farms is interested in the parts of the Appeal as set out below.

**Rule 20 – Farming: Intensive Winter Grazing**

5. Gunton Farms opposes the proposals to:
  - i. include ephemeral or intermittent rivers (by deleting rule 20(aa) and amending Rules 20(a)(iii)(3)(C), 20(a)(iii)(4) and 20(b));
  - ii. require stock intensively winter grazed on land with a slope greater than 4 degrees to be progressively break fed etc., Rule 20(a)(iii)(3)(A) (currently the rule refers to “sloping ground”, which isn’t defined);
  - iii. Require back fencing of stock behind temporary electric fencing when break or block feeding, Rule 20(a)(iii)(3)(B)
  - iv. Require stock be excluded from critical source areas (including swales) within the area being grazed), 20(a)(iii)(3)(F) and 20(b)
  - v. to require a 100m setback from the outer edge of any lake, regionally significant wetland or sensitive waterbody (currently the setback is 20m), 20(a)(iii)(5)
  - vi. make farming activities that don’t meet the standards a non-complying activity
  - vii. include a footnote that slope is the average slope from the outer edge of the bed measured horizontally to a point 20m from the outer edge.

**Rule 25 - Cultivation**

6. Gunton Farms opposes the proposals to:
  - i. Include ephemeral or intermittent rivers
  - ii. Increase setback distances for cultivation, with increasing setbacks depending on slope
  - iii. Exclude cultivation in critical source areas (including swales).

**Rule 70 - Stock access**

7. Gunton Farms opposes the proposal to:
  - i. Include ephemeral, intermittent river and artificial drains
  - ii. The proposal to add further performance standards
  - iii. make farming activities that don't meet the standards a non-complying activity.

**Glossary**

8. Gunton Farms opposes the proposal to:
  - i. amend the definition of intensive winter grazing;
  - ii. define sloping ground (but no definition has been proposed).

**Appendix N**

9. Gunton Farms opposes the proposal to amend the requirements for a Farm Environmental Management Plan.

**Reasons for opposition**

10. The reasons Gunton Farms opposes the relief sought are set out below.-

**Rule 20 – Farming: Intensive Winter Grazing**

*(i) ephemeral or intermittent rivers (delete rule 20(aa) and amend Rules 20(a)(iii)(3)(C), 20(a)(iii)(4) and 20(b))*

11. The proposed change could mean Gunton Farms would need a consent for much of its current normal operations, yet there are unlikely to be important values present or any adverse effects from the activities. A single paddock can contain multiple ephemerals therefore it would be almost impossible to adhere to this rule and would be an inefficient use of resources.

12. Where land is to be cultivated or intensively winter grazed, the Farm Environmental Management Plan is required to identify these areas and include good management practices for the reduction of sediment and nutrient losses from these areas (Appendix N3(I)(i) and 5(b)(i)).

*(ii) Require stock intensively winter grazed on land with a slope greater than 4 degrees to be progressively break fed etc., Rule 20(a)(iii)(3)(A)*

13. 4-degree land is regarded as flat land. As a large proportion of Gunton Farms land, and land in Southland, is above 4 degrees, this proposal will be onerous – it is an inefficient use of resource and will create an inability to winter graze Gunton Farms Stock.

*(iii) Require back fencing of stock behind temporary electric fencing when break or block feeding, Rule 20(a)(iii)(3)(B)*

14. This proposal 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.

*(iv) Require stock be excluded from critical source areas (including swales) within the area being grazed, 20(a)(iii)(3)(F) and 20(b)*

15. There are various policies in the Proposed Plan already providing guidance for management of these areas. Excluding stock completely is not one of them – strategic grazing is.

16. Critical source areas need to be identified and managed as required by the Farm Environmental Management Plan. Gunton Farms supports this approach and opposes the change sought by the Appellant.

*(v) To require a 100m setback from the outer edge of any lake, regionally significant wetland or sensitive waterbody (currently the setback is 20m), 20(a)(iii)(5)*

17. This proposal is excessive and there is no clear rationale for it. This is an inefficient use of resources.

*(vi) Make farming activities that don't meet the standards a non-complying activity*

18. There is no rationale provided to make farming that doesn't meet standards non-complying, versus the proposed discretionary activity.
19. It would be overly burdensome and costly.

*(vii) Include a footnote that slope is the average slope from the outer edge of the bed measured horizontally to a point 20m from the outer edge.*

20. It is unclear what the purpose of this amendment is or what the benefit would be, therefore it is opposed.

#### **Rule 25 - Cultivation**

21. The proposed change to include ephemeral or intermittent rivers is opposed for the reasons set out in paragraphs 11-12 above.
22. The proposed change seeking increased setback distances for cultivation, with added increasing setbacks depending on slope (not currently proposed as a requirement) is opposed given they:
  - i. are not practical
  - ii. will create an inefficient use of land
  - iii. will result in loss of productive land and increase breeding grounds for weeds and pest,
  - iv. will result in greatly increased costs of maintenance.

23. The proposed change to exclude cultivation in critical source areas (including swales) is opposed because these areas are required to be identified and adverse effects managed via the Farm Environmental Management Plan and good management practices.

#### **Rule 70 - Stock access**

24. The proposal to include ephemeral, intermittent river and artificial drains is opposed for reasons set out in paragraphs 11-12 above.

25. The proposed additional performance standards are overly burdensome, and it is unclear what added benefit they will achieve.
26. The proposal to make farming activities that don't meet the standards a non-complying activity is opposed for the reasons set out in paragraphs 18-19.

**Glossary**

*Intensive winter grazing*

27. The proposal to amend the definition of "intensive winter grazing" is opposed.

*Sloping ground*

28. The proposal definition of "sloping ground" is opposed as it is far reaching and unclear why the proposed gradients were chosen. Although there is no definition of sloping ground in the Proposed Plan, Rule 25 Cultivation on Sloping Ground refers to cultivation not occurring at an altitude greater than 800m amsl and not on land with a slope greater than 20 degrees. The Appellant isn't seeking to change these gradients, so there appears to be an inconsistency.

**Appendix N**

29. The proposed amendments to Appendix N are extensive, complex, difficult to understand, lacking in clarity in places and will be costly to prepare.
30. 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

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