

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2018-CHC-43

IN THE MATTER of an appeal under clause 14(1) of
the First Schedule of the Resource
Management Act 1991

AND IN THE MATTER OF the Proposed Southland Water
and Land Plan

BETWEEN **THE TERRACES LIMITED**

Appellant

AND **SOUTHLAND REGIONAL
COUNCIL**

Respondent

**NOTICE OF FEDERATED FARMERS (SOUTHLAND) PURSUANT TO SECTION 274
OF THE RESOURCE MANAGEMENT ACT 1991
22 JUNE 2018**

To: The Registrar
Environment Court
Christchurch

TAKE NOTICE that Federated Farmers of New Zealand (Southland) gives notice pursuant to s274 of the Resource Management Act 1991 that it wishes to appear as a party to the above proceedings.

This Notice is made upon the following grounds:

- 1 Federated Farmers of New Zealand (Southland) lodged a submission and Further submission to the Proposed Southland Water and Land Plan to which this appeal relates and/or has an interest in these proceedings that is greater than the public generally.
- 2 Federated Farmers of New Zealand (Southland) is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
- 3 Federated Farmers of New Zealand (Southland) has an interest in all of the appeal, in particular in relation to:
 - (i) Rule 20(a)(iii)(1) Intensive Winter Grazing – Area;
 - (ii) Rule 20 – Farm Environmental Management Plan Implementation Date
 - (iii) Rule 20(a)(iii)(3)(E) Intensive Winter Grazing – Mob Size
 - (iv) Rule 20(a)(iii)(4) Intensive Winter Grazing – Setbacks from Waterways
 - (v) Rule 25(a)(iv) – Cultivation.
- 4 Federated Farmers of New Zealand (Southland) supports the relief sought in the above rules, to the extent it is consistent with the relief sought in the Federated Farmers appeal, for the reasons set out below.
- 5 Rule 20(a)(iii)(1) Definition of Intensive Winter Grazing
 - Federated Farmers lodged a Submission on this definition.
 - We agree with the appellant that the definition of intensive winter grazing does not align with winter farming practices in Southland and will unnecessarily hinder farming operations.
 - We support the appellant’s relief sought for the definition.
- 6 Rule 20 – Farm Environmental Management Plan Implementation Date
 - Federated Farmers lodged a Submission and Further Submission on this Rule.
 - We agree that the lead time for implementing a personalised Farm Environmental Management Plan by 1 May 2019 is too short and suggest it should align more closely with the NPS-FM(2014) of 31 December 2025.
 - We support the appellant in relation to this appeal provision.

- 7 Rule 20(a)(iii)(3)(E) Intensive Winter Grazing – Mob Size
- Federated Farmers submitted on, and lodged their own appeal to this rule.
 - Based on our experience, the proposed maximum number for a mob is unnecessarily restrictive. The provision is blunt and discounts the broad range of ways Southlander’s farm their land.
 - Often larger mobs are grazed over larger blocks with a lessened impact on the soils. This rule will negate this ability for no environmental gain.
 - The rule suggests the effects of 120 calves is equitable to 120 heifers. No provision has been applied to consider the effect of animal bulk in determining the mob size. This can be addressed in the Farm Management Environmental Plan, which recognises every farm has its own unique circumstances.
 - We support the appellant in relation to this provision. Should the appeal of FFNZ (Southland) be unsuccessful, we support the relief proposed as a potential alternative.
- 8 Rule 20(a)(iii)(4) Intensive Winter Grazing – Setbacks from Waterways
- Federated Farmers (Southland) lodged a Submission and Further Submission on this Rule.
 - We oppose blanket restrictions being placed on winter grazing setbacks from waterways. In our view a 5m setback is not necessary with good management practice.
 - Wintering grazing is not the issue, but rather the potential effects of sediment, P, N or *E.coli* losses that may occur depending on where and how wintering is undertaken.
 - A 5m setback will result in a loss of unproductive land and is not in accordance with Part 2 of the RMA, in particular s7(b) the efficient use and development of natural and physical resources.
 - We support the appellant in relation to this provision.
- 9 Rule 25(a)(ii) and (iv) - Cultivation
- Federated Farmers lodged a Submission and Further Submission on this Rule. We also appealed this provision.
 - For Rule 25(a)(ii) Federated Farmers supports set-backs from waterways for cultivation to reduce sedimentation and loss of top-soil, but disagree with the extent of those proposed in the Plan. There is a significant amount of land that would not be able to be worked for crops, even those crops that are fast growing, and would not be used for intensive winter grazing.
 - With respect to Rule25(a)(iv), Federated Farmers supports set-backs from waterways for cultivation to reduce sedimentation and loss of top-soil, but disagree with the extent of those proposed in the Plan. Under the rules as drafted, there is a significant amount of land that would not be

able to be worked for crops, even those crops that are fast growing, and would not be used for intensive winter grazing.

- Federated Farmers considers land sloping between 20 and 30 degrees can be cultivated under some circumstances.
- A 5m setback will result in a loss of unproductive land and is not in accordance with Part 2 of the RMA, in particular s7(b) the efficient use and development of natural and physical resources.
- We support the appellant in relation to this provision and support the relief they seek should our appeal be unsuccessful.

10 Federated Farmers of New Zealand (Southland) agrees to attend mediation and/or dispute resolution in regard to these proceedings.

Dated the 22 June 2018

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