IN THE ENVIRONMENT COURT

CHRISTCHURCH REGISTRY **ENV-2018-CHC-**

IN THE MATTER	of the Resource Management Act 1991
AND	
IN THE MATTER	of an appeal under clause 14(1) of Schedule 1 to the Act
AND	
IN THE MATTER	of the Proposed Southland Water and Land Plan
BETWEEN	**BEEF + LAMB NEW ZEALAND**
	Appellant
AND	ENVIRONMENT SOUTHLAND REGIONAL COUNCIL
	Respondent

NOTICE OF APPEAL

16 May 2018

Beef + Lamb New Zealand
C/O Lauren Phillips
1/585 Wairakei Road
Christchurch
8545

TO: The Registrar
Environment Court
Christchurch

1. Beef + Lamb New Zealand ("the Appellant") appeals against part of the decisions of Environment Southland Regional Council ("the Council") on the proposed Southland Water and Land Plan ("the Plan").
2. The Appellant made a submission and a further submission on the Plan.
3. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 ("the RMA").
4. Notice of decisions made on the Plan was received on 4 April 2018.
5. The decisions were made by the Council.
6. The part of the decision that the Appellant is appealing is Rule 20(d) which establishes land use intensification for dairy farming after 2016 as a restricted discretionary activity:

> *The use of land for a farming activity that meets all conditions of Rule 20(a) other than (ii), (iii)(1), (iii)(4) or (iii)(5) or does not meet condition (i) of Rule 20(b) is a restricted discretionary activity, provided the following conditions are met:*
>
> *(i) a Farm Environmental Management Plan is prepared and implemented in accordance with Appendix N; and*
>
> *(ii) the application includes the following material, prepared by a suitably qualified person:*
>
> *(1) an assessment that shows that the annual amount of nitrogen, phosphorus, sediment and microbiological contaminants discharged from the landholding will be no greater than that which was lawfully discharged annually on average for the five years prior to the application being made; and*
>
> *(2) for any mitigation proposed, a detailed mitigation plan (taking into account contaminant loss pathways) that identifies the mitigation or actions to be undertaken including any physical works to be completed, their timing, operation and their potential effectiveness.*
>
> ***The Southland Regional Council will restrict the exercise of its discretion to the following matters:***
>
> 1. *the quality of and compliance with the Farm Environmental Management Plan for the landholding;*
> 2. *whether the assessment undertaken under Rule20(d)(ii) above takes into account reasonable and appropriate good management practices to minimise the losses of contaminants from the existing farming activity;*
> 3. *good management practices to be undertaken, including those to minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land, taking into account contaminant loss pathways;*
> 4. *the potential benefits of the activity to the applicant, the community and the environment;*

5. *the potential effects of the farming activity on surface and groundwater quality and sources of drinking water;*
6. *monitoring and reporting undertaken to assess the effectiveness of any mitigation implemented.*

7. The reasons for the appeal are as follows:
8. The Appellant filed a submission proposing amendments to Rule 20.
9. Rule 20(d) in its current form will not:
    a. Give effect to the National Policy Statement for Freshwater Management 2014 ("the NPS"); and
    b. Promote the sustainable management of natural resources; and
    c. Be consistent with the RMA Part 2 purpose and principles; and
    d. Be consistent with s15 Discharges of contaminants into environment; and
    e. Be consistent with s17 Duty to avoid, remedy, mitigate adverse effects; and
    f. Meet the requirements of s30 RMA.
10. With regards to paragraph 9.a above, the matters of discretion are inadequate to ensure water quality will not be adversely affected and ensure that water quality standards, limits, and targets are met.
11. With regards to paragraph 9.b above, the permissive activity status and inadequate matters for discretion establishes a setting whereby nutrients will be allocated by resource consents and incentivises land use intensification and land use conversions to higher impact farming practices, to the potential impact on existing land users and communities.
12. These factors compound so that Rule 20(d) will not be consistent with the RMA Part 2 purpose and principles as per paragraph c.
13. Furthermore, allocating nutrients by resource consent is inequitable, causes divisions in communities, and leaves farming practices that are permitted activities unprotected because they are left unaccounted for in the nutrient catchment load limit.
14. The Appellant seeks the following relief:
15. That matters for discretion in Rule 20(d) is amended:
    a. To ensure water quality will not be adversely affected and ensure that water quality standards, limits, and targets are met; and
    b. To discourage land use intensification and conversion which would affect the catchment's ability to meet water quality standards and targets; and
    c. To prevent the allocation of nutrients in the catchment by resource consent; and
    d. To ensure that existing land users and communities are recognised and provided for.
16. The Appellant attaches the following documents to this notice:

a. a copy of Beef + Lamb New Zealand's submission and further submission (Appendices One and Two respectively); and

b. a copy of the relevant part of the decision (Appendix Three)

c. a list of names and addresses of persons to be served with a copy of this notice (Appendix Four)

Dated at Christchurch this 16th day of May 2018

Beef + Lamb New Zealand

Lauren Phillips
Environment Policy Manager – South Island