

BEFORE THE ENVIRONMENT COURT

ENV-2018-CHC-000040

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 **FEDERATED FARMERS OF NEW ZEALAND (SOUTHLAND PROVINCE)**

Appellant

AND **SOUTHLAND REGIONAL COUNCIL**

Respondent

NOTICE OF REQUEST TO BE PARTY TO PROCEEDINGS UNDER SECTION 274 OF THE RESOURCE MANAGEMENT ACT 1991

FAIRLIGHT STATION LIMITED

Dated this *22* day of June 2018

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 FAIRLIGHT STATION LIMITED**

1. Fairlight Station Limited ("**Fairlight**") wishes to be a party to Notice of Appeal ENV-2018-CHC-000040 dated 17 May 2018 by Federated Farmers of New Zealand (Southland Province) to the Environment Court ("**the Appeal**") against the Decision of the Southland Regional Council on the Proposed Southland Water and Land Plan.
2. Fairlight is entitled to be a party to the Appeal because it made a Submission on the Proposed Plan.
3. Fairlight is not a trade competitor for the purposes of s308C or s308CA of the Resource Management Act 1991.
4. Fairlight is interested in that part(s) of the Appeal that relates to:

Rule 20(a)(iii) Farming, in particular:

- a. The restriction on the size of area allowed to be grazed, 100 ha or 15% of a landholding, whichever is lesser - Rule 20(a)(iii)(1);
- b. The need to back-fence stock when an area is being break or block fed- Rule 20(a)(iii)(3)(B);
- c. The requirement for portable feeders when supplementary feeding 20(a)(iii)(3)(D);
and
- d. The restriction on mob size to 120 cattle or 250 deer 20(a)(iii)(3)(E).

Rule 25(a) Cultivation on sloping ground, in particular:

- a. The setbacks proposed, Rule 25(a)(ii);
 - b. The slope on which cultivation can occur, Rule 25(a)(iv); and
 - c. A new definition of minimum tillage to be inserted into the Proposed Plan, the Glossary.
5. Fairlight supports the relief sought in the Appeal regarding Rule 20(a)(iii) Farming and Rule 25(a) Cultivation on sloping ground (as set out above) for the reasons set out below.
 6. **Rule 20(a)(iii) Farming**

(i) *The restriction on the size of area allowed to be grazed, 100 ha or 15% of a landholding, whichever is lesser - Rule 20(a)(iii)(1)*

6.1 The effective stock area of Fairlight is 2,500 ha with another 850ha in forestry. We do not grow a continuous block of 100ha – we use crop rotation for pasture renewal and development.

6.2 It is difficult to see how water quality will be improved on Fairlight if a consent has to be obtained to winter graze on more than 100ha.

6.3 If there needs to be a rule, it should be based on stock units.

(ii) *The need to back-fence stock when an area is being break or block fed- Rule 20(a)(iii)(3)(B)*

6.4 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.

(iii) *The requirement for portable feeders when supplementary feeding 20(a)(iii)(3)(D)*

6.5 Portable feeders can have greater effects than other methods, e.g. manual feeding, given the tendency for animals to cluster around the feeder. There are also times of year e.g. cold winter freezes, when other methods are more effective, with little or no increase in adverse effects.

(iv) *The restriction on mob size to 120 cattle or 250 deer 20(a)(iii)(3)(E)*

6.6 It is unclear what sized area the provision applies to.

6.7 It creates a meaningless split of mobs (herds) for the same or sometimes lesser environmental impact.

6.8 Larger properties are penalized because of the larger scale, larger mobs (herds) and more land per animal.

7. Rule 25(a) Cultivation on sloping ground, in particular:

(i) *The setbacks proposed, Rule 25(a)(ii)*

7.1 The setbacks proposed:

- a. Result in a loss of productive land;
- b. create breeding grounds for weeds and pests;
- c. result in greatly increased costs of maintenance, including spraying;
- d. potentially devalues the Appellant's (and other) property;
- e. is not necessary, as with good management practices (as required in the Farm Environmental Management Plan), any adverse effects associated with a smaller setback can be adequately avoided, remedied or mitigated;

(ii) *The slope on which cultivation can occur, Rule 25(a)(iv)*

7.2 The limit on cultivation as a permitted activity over land with a slope greater than 20 degrees:

- a. Results in a loss of productive land – large areas of Fairlight (and other) land is over 20 degrees and cultivated. Land above 20 degrees is not always necessarily near waterways;
- b. creates breeding grounds for weeds and pests;
- c. results in greatly increased costs of maintenance, including spraying;
- d. potentially devalues the Appellant's (and other) property;
- e. is not necessary, as with good management practices (as required in the Farm Environmental Management Plan), any adverse effects associated with a smaller setback can be adequately avoided, remedied or mitigated.
- f. And on the grounds set out in the Appeal.

8. Fairlight agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Signed for and on behalf of Fairlight Station Limited:-



Clare Lenihan
Counsel

Dated this *22* day of June 2018

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