

BEFORE THE ENVIRONMENT COURT

ENV-2018-CHC-000050

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 **ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INC.**

Appellant

AND **SOUTHLAND REGIONAL COUNCIL**

Respondent

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

THE TERRACES LIMITED

Dated this *22* day of June 2018

PRESENTED FOR FILING BY:

Counsel for the Appellant

Clare Lenihan

Barrister

102 Jed Street

INVERCARGILL 9810

Tel: (03) 214 1674

E: clare.lenihan@environmentallawyer.co.nz

Instructing Counsel

Jeff Walker

Walker Murdoch Law Ltd

PO Box 1188

INVERCARGILL 9840

Tel: (03) 214 0777

E: jeff@wmlaw.co.nz

**NOTICE OF REQUEST TO BE A PARTY TO PROCEEDINGS UNDER S274 OF THE RESOURCE
MANAGEMENT ACT BY THE TERRACES LIMITED**

1. The Terraces Limited (“**The Terraces**”) wishes to be a party to Notice of Appeal ENV-2018-CHC-000050 dated 22 May 2018 by Royal Forest and Bird Protection Society of New Zealand Incorporated to the Environment Court (“**the Appeal**”) against the Decision of the Southland Regional Council on the Proposed Southland Water and Land Plan (“**the Proposed Plan**”).
2. The Terraces is entitled to be a party to the Appeal because:-
 - (a) It made a submission on the Proposed Plan and lodged a Notice of Appeal ENV-2018-CHC-000043 dated 17 May 2018 (“**The Terraces Appeal**”) which seeks relief on matters addressed in the Appeal.
 - (b) It owns and farms land in Otamita, Eastern Southland, the management of which will be directly affected by the relief sought in the Appeal.
3. The Terraces is not a trade competitor for the purposes of s308C or s308CA of the Resource Management Act 1991.
4. The Terraces is interested in the parts of the Appeal as set out below.
5. **Rule 20 – Farming: Intensive Winter Grazing**
 - a. The proposal to include ephemeral rivers (by deleting Rule 20(aa) and amending Rule 20).
 - b. The proposal to increase setback distances for intensive winter grazing.
 - c. The proposal to make farming activities that don’t meet the standards a non-complying activity.
6. **Rule 25 - Cultivation**
 - a. The proposal to include ephemeral rivers.
 - b. The proposal to increase setback distances for cultivation.
7. The Terraces opposes the relief sought for the reasons set out below.
8. **Rule 20 – Farming:**

(i) *The proposal to include ephemeral rivers (by deleting Rule 20(aa) and amending Rule 20)*

8.1 The proposal could mean The Terraces 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 its activities. A single paddock can contain multiple ephemeral rivers therefore it would be almost impossible to adhere to this rule and would be an inefficient use of resources.

8.2 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(l)(i) and 5(b)(i)).

(ii) *The proposal to increase setback distances for intensive winter grazing*

8.3 There is no specific setback distance proposed. This appeal point lacks specificity so is difficult to respond to.

8.4 The Appellant appealed the setbacks in the Proposed Plan and considers the relief it sought – that setback distances be reduced to 3m - is appropriate and will achieve the purpose of the Act.

(iii) *The proposal to make farming activities that don't meet the standards a non-complying activity*

8.5 There is no rationale provided to make farming that doesn't meet standards non-complying, versus the proposed discretionary activity.

8.6 The relief sought would be overly burdensome and costly.

9. **Rule 25 Cultivation**

(i) *The proposal to include ephemeral rivers*

9.1 The proposed inclusion is opposed for reasons set out in paragraphs 9.1-9.3.

(ii) *The proposal to increase setback distances for cultivation*

9.2 The setbacks proposed:

- a. are not practical;
- b. will create an inefficient use of land;
- c. will result in loss of productive land and increase breeding grounds for noxious weeds and pest;
- d. will result in greatly increased costs of maintenance.

10. The Terraces agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Signed for and on behalf of The Terraces Limited:-



Clare Lenihan
Counsel

Dated this  day of June 2018

Address for service of s274 party:

The offices of Clare Lenihan
Barrister
102 Jed Street
Invercargill 9810
Tel: (03) 214 1674
E: clare.lenihan@environmentallawyer.co.nz