

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

IN THE MATTER of the Resource Management Act 1991 ('the Act')
AND
IN THE MATTER of an appeal under Clause 14(1) of First Schedule to the Act

BETWEEN **RAYONIER NEW ZEALAND LIMITED**
Appellant

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

NOTICE OF APPEAL
PROPOSED SOUTHLAND WATER AND LAND PLAN

Date: 17 May 2018

CSF-121599-20-117-V1

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TO: The Registrar
Environment Court
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Christchurch

Name of Appellant and details of decision

- 1 Rayonier New Zealand Limited (Rayonier).
- 2 This appeal is against the Proposed Southland Water and Land Plan.
- 3 The Appellant is a person who made a submission on the Proposed Southland Water and Land Plan.

Trade Competition

- 4 The Appellant is not a trade competitor for the purposes of section 308D of the Resource management Act.

Date of receipt of decision

- 5 The Appellant received notice of the decision on or about 4 April 2018.

Name of decision maker

- 6 The decision was made by the Southland Regional Council (the Council).

Decision (or part) being appealed

- 7 Rayonier is appealing against that part of the decision relating to the definition of "*Cultivation*".

Reasons for the appeal

- 8 The reasons for the appeal are as follows-
 - 8.1 The definition of cultivation as set out in the decision is as follows
"Preparing land for growing pasture or a crop by mechanical tillage, direct drilling, herbicide spraying, or herbicide spraying followed by over-sowing for pasture or forage crops (colloquially referred to as 'spray and pray'), but excluding any spraying undertaken solely for the control of pest plant species."
 - 8.2 The wording of the definition of "*cultivation*" makes it unclear as to whether the term "*crop*" refers only to agricultural crops or includes plantation forestry.

- 8.3 Herbicide spraying of pest plants and grass, by either aerial or manual application to establish forestry plantation is an established practice to enable the successful establishment of new tree seedlings.
- 8.4 Herbicide application to control noxious weeds and grass is generally required in the year prior to planting for successful tree seedling establishment and survival.
- 8.5 A subsequent herbicide release spray may be required following planting however following these treatments no further herbicides are applied for a 25-30 year period (a tree rotation cycle).
- 8.6 The majority of forestry land in the Southland region is over 20 degrees, the definition as it stands could imply that the majority of forestry replanting would move from permitted activity status to requiring a consent.
- 8.7 There is no evidence to show that increased levels of sediment in waterways results from herbicide spraying of forestry land to enable tree seedling establishment.

Relief sought

- 9 The Appellant seeks the following relief:
 - 9.1 That "herbicide spraying" is removed from the definition of "cultivation";
 - 9.2 In the alternative to the above, the term "crop" should be clearly defined as specific to agricultural practices excluding forestry.
 - 9.3 Any other or alternative relief that gives effect to the concerns raised above.

Mediation

- 10 Pursuant to section 268 of the Act the Appellant considers that the topics of this appeal are amendable to mediation and seeks the assistance of an Environment Court appointed Commissioner in that regard.

Attached documents

- 11 The following documents are attached to this notice of appeal:
 - 11.1 A copy of the *submission* made by the Appellant.
 - 11.2 A copy of the relevant *part of the decision*.
 - 11.3 A list of names and addresses of persons to be served with a copy of this notice.
- 12 Recipients of this notice may obtain a copy of the above documents, on request, from the Appellant.

DATED at Christchurch this 17th day of May 2018



Chris Fowler
Counsel for the Appellant

ADDRESS FOR SERVICE OF THE APPELLANTS:

This Notice of Appeal is issued by Chris Fowler, Solicitor for the above named Appellant of the firm of Adderley Head. The address for service of the above named Appellant is at the offices of Adderley Head, 15 Worcester Boulevard, Christchurch 8013.

Documents for service on the abovenamed Appellant may be left at the address for service or may be:

- (a) Posted to the Solicitor at 15 Worcester Boulevard, Christchurch 8013; or
- (b) Faxed to (03) 353 1340.

ADVICE TO RECIPIENTS OF NOTICE

How to become party to proceedings

You may be a party to the appeal if you made a submission or further submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see Form 38).

How to obtain copies of documents relating to appeal or inquiry

The copy of this notice served on you does not attach a copy of the Appellant's submission or the part of the decision. These documents may be obtained, on request, from the Appellants.

Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department of Courts in Christchurch.

Contact details of Environment Court for lodging documents

Documents may be lodged with the Environment Court by lodging them with the Registrar.

The Christchurch address of the Environment Court is:

99-101 Cambridge Terrace
CHRISTCHURCH 8013

Its postal address is:

Environment Court
DX:WX11113
Christchurch

[Please note: You can use a normal post office box and stamped envelopes to send to a DX address]

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