

Notice of person's wish to be party to proceedings

Section 274, Resource Management Act 1991

To the Registrar
Environment Court
Christchurch

DR & JAE Pullar Ltd wish to be a party to the following proceedings:

Southland Fish and Game Council (Appellant) and the **Southland Regional Council** (Respondent) with respect to the **Southland Water and Land Plan**.

We made a submission about the subject matter of the proceedings.

We are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

We are interested in matters relating to the following issues:

1. Ephemeral rivers.

We oppose the request by the appellant to include restrictions on the use of ephemeral rivers in the plan.

Ephemeral rivers are defined in the plan as rivers which only contain flowing or standing water following rainfall events or extended periods of above average rainfall.

The definition suggests that any area that could be subject to ponding or flowing water at any time, no matter how infrequently can be considered as an ephemeral river. This includes the flood plains of Southland and potentially the areas of land protected by flood protection works. Land users who do not have a long association with their land may have no knowledge of the location of these ephemeral rivers as they carry water perhaps only once in 100 years.

It is unreasonable to restrict the use of these areas as proposed by the appellant.

2. Best Practicable Option.

We oppose the request by the appellant for the use of the best practicable option in a number of objectives, policies and rules as the required method for avoiding or mitigating adverse effects to water.

The requirement to use the best practicable option means that there is only one possible solution to an issue. This then raises the question as to who

determines what the best practicable option is. It leaves the resource user in the position of having to either defend the option selected against all others, or having the best practical option imposed on them. A good management practice approach should allow the resource user to determine which good management practices will work in their situation. So long as the required result is achieved, there should be no concern as to how it is achieved.

3. Intensive winter grazing

The appellant requests an amendment to the definition of intensive winter grazing. The definition requested is "Grazing of stock between May and September inclusive on fodder crops or pasture to the extent that the grazing results in significant de-vegetation. This is usually associated with break feeding behind temporary electric fences." Significant de-vegetation is defined as "Removal of, or damage to, vegetation caused by stock access or grazing that results in the exposure of bare ground and / or pugging of the soil."

We oppose the amendment of this definition as proposed by the appellant.

The inclusion of this definition will result in any landholding that has bare soil and or pugging between May and September being considered to be carrying out intensive winter grazing.

There is no indication as to the scale of bare soil or pugging that the definition intends to cover. There is no definition proposed for pugging and there is no indication that there needs to be any risk to water for the definition to apply.

Most farms on Southland that are not very extensive are likely to be captured by this definition on all of the land that is used for wintering stock.

The combination of this definition with the requirements of Rule 20 (a) (iii) (1) which restricts intensive winter grazing to the lesser of 15% of the landholding or 100 ha, will result in many land holdings being restricted in their land use far beyond what is required to achieve improvements in water quality. In effect, 85% of the landholding will be almost unusable between May and September.

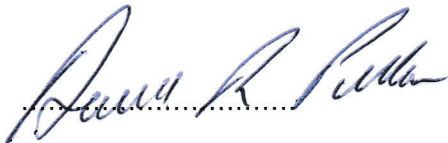
4. Appendix N

The appellant requests that amendments be made to the matters that are to be included in Farm Environmental Management Plans.

We oppose the proposed amendment as set out below.

- (a) The requirement to include the depth of sub surface drain outfalls. This requirement serves no resource management purpose.
- (b) The requirement to provide a plan showing the slope of land to be cultivated in the next 12 month period. To achieve this would require a detailed survey. The need for this level of detail is un-necessary and serves no resource management purpose. The amendment also requires that land of greater slope than 4 degrees be shown. This is a duplication of the suggested amendment to provide a plan showing all slopes.
- (c) The amendments proposed in sections 5, 6, 7 and 8 will result in a Farm Environment Management Plan that is complex, impractical and un-workable. The plan should encourage actions on the ground rather than a complex administration exercise on the part of the resource user. The improvements in management required to improve water quality and quantity will be achieved when farmers are wearing overalls and gumboot rather than when they are sitting at a desk.

We agree to participate in mediation or other alternative dispute resolution of the proceedings.



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