

BEFORE THE ENVIRONMENT COURT

ENV-2018-CHC-000047

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

BETWEEN **TE RUNANGA O NGAI TAHU & ORS**

Appellant

AND

SOUTHLAND REGIONAL COUNCIL

Respondent

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

ROBERT GRANT

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 ROBERT GRANT LIMITED**

1. Robert Grant wishes to be a party to Notice of Appeal ENV-2018-CHC-000047 dated 17 May 2018 by Te Runanga O Ngai Tahu & Ors 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. Robert Grant is entitled to be a party to the Appeal because:-
 - (a) He made a submission and lodged Notice of Appeal ENV-2018-CHC-000045 dated 17 May 2018 (“**Robert Grant Appeal**”) which seeks relief on matters addressed in the Appeal.
 - (b) He owns and farms land in Otamita, Southland, the management of which will be directly affected by the relief sought in the Appeal.
3. Robert Grant is not a trade competitor for the purposes of s308C or s308CA of the Resource Management Act 1991.

Interest in Appeal

4. Robert Grant 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));
 - b. The proposal to revert to (in essence) the notified version of Rules 20,12,22 and 23.
6. **Appendix N Farm Environmental Management Plan**
 - a. The proposal to revert (in essence) to the version provided for in the s42A report.

Reasons for opposition

7. Robert Grant opposes (except where otherwise stated) 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))

8.1 The proposed definition could mean Robert Grant would need a consent for much of his current normal operations, yet in most instances there are unlikely to be important values present or any adverse effects from his activities.

8.2 A single paddock can contain multiple ephemerals therefore it would be almost impossible to adhere to this rule and would be an inefficient use of resources.

8.3 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 revert to (in essence) the notified version of Rules 20,12,22 and 23.

8.4 The relief sought has wide reaching consequences and will potentially have a significant impact on the values of his farm, in particular (but not limited to) in relation to:

- a. The limitation on new or expanded dairy farms;
- b. The size of area that can be intensively winter grazed – it a one size fits all approach, arbitrary, inefficient and penalizes larger landholdings such as his, with potentially perverse results (more, smaller, landholdings with larger proportion of animals per hectare, with a greater impact); and
- c. The setbacks required are not practical or efficient.

8.5 Further reasons are set out in Robert Grant's Appeal, ENV-2018-CHC-000045.

9. Appendix N Farm Environmental Management Plan

(i) The proposal to revert (in essence) to the version provided for in the s42A report

9.1 The proposed amendments to Appendix N are extensive, complex, difficult to understand, lacking in clarity in places and will be costly to prepare.

10. Robert Grant agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Signed for and on behalf of Robert Grant:-



Clare Lenihan
Counsel

Dated this 22 day of June 2018

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