

**IN THE MATTER** of an appeal under clause 14(1) of  
the First Schedule of the Resource  
Management Act 1991

**AND IN THE MATTER OF** the Proposed Southland Water  
and Land Plan

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

Appellant

**AND** **SOUTHLAND REGIONAL  
COUNCIL**

Respondent

**NOTICE PURSUANT TO SECTION 274  
OF THE RESOURCE MANAGEMENT ACT 1991**

To: The Registrar  
Environment Court  
Christchurch

TAKE NOTICE that Federated Farmers of New Zealand (Southland) gives notice pursuant to s274 of the Resource Management Act 1991 that it wishes to appear as a party to the above proceedings.

This Notice is made upon the following grounds:

- 1 Federated Farmers of New Zealand (Southland) lodged a Submission and Further submission to the Proposed Southland Water and Land Plan to which this appeal relates and/or has an interest in these proceedings that is greater than the public generally.
- 2 Federated Farmers of New Zealand (Southland) is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
- 3 Federated Farmers of New Zealand (Southland) has an interest in all of the appeal, in particular in relation to:

General – Ephemeral River

- An ephemeral river relates to rainfall or snowmelt and differentiates from a river or intermittent waterbody. Most ephemeral waterbodies are depressions in the topography where water collects and runs-off that have a bed that comprises (often exotic) vegetation and no gravels, no natural meander nor aquatic species.
- We oppose the relief sought by the appellant.

General – Historic Heritage

- While certain activities relating to the use of water and land have the potential to adversely affect any historical feature, we do not agree specific reference in the Plan is required.
- Irrespective of whether the objectives and policies refer to historical values, or not, any heritage feature will continue to enjoy protection under the Heritage New Zealand Pouhere Taonga Act 2014.
- There are clear statutory limits in section 30(1)(c) of the RMA on the purposes of rules controlling the use of land.
- Controlling land use for the purpose of historic heritage is not a listed function of regional councils under section 30(1)(c). Conversely, section 31(1)(b) provides that it is a function of district councils to control "any actual or potential effects of the use, development, and protection of land".
- It is therefore appropriate for land use controls designed to protect (or otherwise manage) the historic heritage of a region to be found in the relevant district plan.
- As such Federated Farmers disagree with the appellant that the objectives and policies should be reinstated as notified.
- We oppose the appellant's relief sought.

#### Objective 2 -

- Federated Farmers lodged a Submission and Further Submission on this objective.
- This region-wide objective seeks to recognise the value of primary production in the region. The appellant seeks to delete reference to the contribution and value of primary production in Southland. The primary sector in Southland directly contribute more to the regional GDP than in any other region on a percentage basis, and should not be discounted simply because it does not align with the appellant's philosophies.
- We oppose the relief sought by the appellant.

#### Objective 6 -

- Federated Farmers lodged a Submission and Further Submission on this objective.
- It is our view the reference to "overall" water quality should be retained. The objective requires a broad qualifier otherwise the more specific trends of up, down or indeterminate would fail to meet the objective and difficult to quantify.
- The approach proposed by the appellant is inconsistent with the NPS-FM Objective 2 seeking "the overall quality of fresh water within a FMU is maintained or improved...."
- We oppose the appellant's relief.

#### Objective 13, 13A & 13B

- Federated Farmers lodged a Submission and Further Submission on Objective 13.
- Notified Objective 13 has been reframed as Objective13, 13A and 13B through the decisions version of the plan. 13C has been deleted.
- The appellants seek to delete Objective 13A and 13B and incorporate these items into Objective 13. We agree, on this point, the Objectives can be re-drafted to read more logically, so this relief is supported.

#### Policies 4-12 Physiographics

- Federated Farmers lodged a Submission and Further Submission on these policies. We also appealed Policies 4,5,9,10,11 and 12.
- We oppose the relief sought by the appellant for policies 4,5, 9,10, 11 & 12.
- The science that underpins the physiographic zones is broad brush and not suitable at a farm-level.
- These policies direct and control activities rather than manage effects which is inconsistent with the intent of the RMA.
- Section 104 of the RMA sets out matters for the Consent Authority to consider when deciding on a resource consent application, of which the provisions of the plan are one matter to have regard to. The proposed

- The physiographic science does not itself confirm a causal link between water quality with respect to each physiographic zone. The science highlights key risk pathways rather than whether water quality will or will not be degraded irrespective of land use.
- Federated Farmers opposes the relief sought by the appellant and prefers the relief sought in their own appeal.

#### Policy 13

- Federated Farmers lodged a Submission and Further Submission on this policy.
- The appellant seeks to remove any recognition of the contribution the primary sector brings to the social, cultural and economic wellbeing of the Southland community.
- Federated Farmers opposes the relief sought.

#### Policy 16 – Farming Activities That Affect Water Quality

- Federated Farmers lodged a Submission and Further Submission on Policy 16.
- The relief sought seeks to direct and control activities rather than manage effects which is inconsistent with the intent of the RMA.
- The relief sought by the appellant is not consistent with section 5 or section 6 of the RMA.
- We oppose the relief sought by the appellant.

#### Policy 20 – Management of Water Resources

- Federated Farmers lodged a Submission and Further Submission on Policy 20.
- The appellant seeks to delete reference to the contribution and value of primary production in Southland. We disagree that reference to primary production should not be attributed recognition. The primary sector in Southland directly contribute more to the regional GDP than in any other region on a percentage basis, so this is an important factor to consider.
- Federated Farmers opposes the appeal point.

#### Rule 5 – Discharge to Surface Water Bodies

- Federated Farmers lodged a Submission and Further Submission on this rule.
- We agree, it is inequitable to allow a discretionary activity status to discharges of sewage to waterbodies by Territorial Authorities while applying a non-complying consent status to all other discharges to waterbodies.
- Federated Farmers supports the relief sought by the appellant.

#### Rule 20 – Farming

- Federated Farmers lodged a Submission and Further Submission on this rule. We also appealed the provision.
- We disagree that farming should not occur within ephemeral river, as many are swale-like depressions that comprise part of a typical farming operation. These depressions where snow-melt or precipitation does collect are not typically known for their high values, and often comprise only exotic pasture species.
- Federated Farmers opposes the relief sought.

#### Rule 74 – Wetlands

- Federated Farmers lodged a Submission and Further Submission on this rule.
- We oppose the relief sought that draining any natural wetland should be a prohibited activity. This approach is simply too inflexible and does not account for exceptional times where drainage of a wetland may be required.
- Federated Farmers opposes the relief sought.

#### Rule 78 – Weed and Sediment Removal for Drainage Purposes

- Federated Farmers lodged a Submission and Further Submission on this rule.
- While we generally are supportive of the relief sought, we question whether fish (trout) passage may be improved by weed and sediment removal which will result in localised predation of the taonga species identified in Appendix M.

#### Appendix A- Regionally Significant Wetlands and Sensitive Waterbodies

- Federated Farmers lodged a Further Submission on this Rule.
- We oppose the additional sites added to Appendix A.
- It is inappropriate to revise Appendix A without thorough research, investigation and ground-truthing.
- Extensive public consultation and landowner consultation is required before making such significant additions to Appendix A.
- Federated Farmers considers many of the additional wetlands listed are not regionally significant.
- To revise the scope from 'regionally significant wetlands' to 'regionally significant wetlands and sensitive waterbodies' takes the Appendix beyond the scope of what was originally notified.
- There is no s32 analysis on the additional 'sensitive' waterbodies being incorporated into the Appendix.
- We question how Territorial Authorities will be able to continue discharging untreated human sewage during high rain events into the New Estuary should it be included into Appendix A.
- We oppose the appellant's relief sought for Appendix A.

- We seek all additional entries to Appendix A be deleted from the Plan.

Appendix N – Farm Environmental Management Plan Requirements

- Federated Farmers lodged a Submission and Further Submission on this Rule. We also appealed this provision.
  - We oppose the inclusion of known heritage sites in the to FEMP.
  - Our members consider the FEMP should contain the bare basic information rather than a tome of information that requires significant investment by landholders.
  - We oppose the relief sought by the appellant.
4. Federated Farmers of New Zealand (Southland) agrees to attend mediation and/or dispute resolution in regard to these proceedings.

Dated the 22<sup>nd</sup> day of June 2018



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