

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 Marlborough Environmental
Plan

BETWEEN **Minister of Conservation**

Appellant

AND **Marlborough District Council**

Respondent

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

Address for Service:
Kim Reilly
Federated Farmers of New Zealand Inc
PO Box 5242
Dunedin 9058
Mobile: 021 887537
Email: kreilly@fedfarm.org.nz

To:
The Registrar
Environment Court
Christchurch

Federated Farmers of New Zealand (Inc) 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 (Inc) lodged a submission and Further submission to the 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 (Inc) is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (the Act).

Extent of interest

3. Federated Farmers has an interest in the following aspect of the appeal:

a. Policy 8.3.6

- We oppose the appellant's relief set out below.

*(b) **Limits to offsetting**: offsetting ~~should~~ will not be applied to justify impacts on vulnerable or irreplaceable biodiversity, or where effects on indigenous biodiversity are unknown or uncertain;*

*(c) **No net loss**: the residual adverse effects on biodiversity are capable of being offset and ~~will~~ be fully compensated by the offset to ensure it can be demonstrated that the offset actions will achieve no net loss of biodiversity and preferably a net gain;*

*(d) **Additionality**: actions undertaken as a biodiversity offset are demonstrably additional to what otherwise would occur, and are additional to any remediation or mitigation undertaken in relation to the adverse effects of the activity;*

*(de) **Like for like**: offsets ~~should~~ will reestablish or protect the same type of ecosystem, or habitat or species that is adversely affected,*

~~unless an alternative ecosystem or habitat will
provide a net gain for indigenous biodiversity in
the same area~~

- We agree that in some circumstances biodiversity values cannot be offset. We disagree however with the statement that if biodiversity values are adversely affected that they will be permanently lost. Adverse effects are a continuum, and biodiversity (rather than their values) are not necessarily impacted by all adverse effects.
 - The Department considers the term 'should' in policy 8.3.6 introduces an undesirable level of uncertainty, and that the more specific 'will' is more certain. The RMA is not predicated on the basis that all effects are known on biodiversity, rather there should be a balancing exercise. The Department applies the principles of the Decisions version in:
 - the aerial discharge of 1080 in Schedule 4 conservation land, or
 - the storage of *Powelliphanta spp* in refrigeration until their demise.
 - The absolute phrasing proposed by the Department is unnecessary and impractical, given any consenting assessment will consider the effects of an activity holistically and on its merits, whilst giving consideration to biodiversity effects.
 - Federated Farmers seeks to retain the phrasing of Policy 8.3.6 in the decisions version.
4. Federated Farmers of New Zealand (Inc) agrees to attend mediation and/or dispute resolution in regard to these proceedings.

Dated 4 June 2020



Kim Reilly
South Island Regional Policy Manager
Federated Farmers of New Zealand (Inc)