

**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 Marlborough  
Environmental Plan

**BETWEEN** **Environmental Defence Society  
Incorporated**

Appellant

**AND** **Marlborough District Council**

Respondent

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

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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. **Issue 4C**
    - We oppose the appellant's relief seeking to include the phrasing 'within environmental limits'.
    - Federated Farmers considers land use is always managed within environmental limits as set out in section 5 of the Act. The additional words suggested are redundant.
  - b. **New objective 4.3**
    - We oppose the appellant's suggested relief.
    - The appellant seeks to repeat the intent of Section 5 of the Act. This underpins and is implicit throughout the full suite of planning documents.
    - There is no benefit to either Council staff or the plan user in adopting the suggested relief.
  - c. **Introduction**
    - We oppose the appellant's suggested relief.
    - We oppose the relief to include the phrasing 'recognising and upholding Te Mana o te Wai' as the wording is uncertain.
    - We oppose the wording 'phasing out existing over-allocation and avoiding any further over-allocation' as proposed and consider this should be either

not adopted or tempered with the additional words 'where necessary to safeguard the life supporting....'

- Federated Farmers prefers the wording of the decisions version.

**d. Policy 5.2.4**

- We oppose the appellant's suggested relief.
- Section 30 of the Act refers to 'maintain and enhance' as it relates to the control of use of land, and does not direct how Council carries out a Plan Change process.
- The wording of sub-clause (c), (e) and (g) relate to the outcomes sought by setting specific flows.
- Federated Farmers is mindful that sub-clause (c) should not increase fish passage to species that behave as a pest species such as trout and predate indigenous fish species to localised extinction.

**e. Policy 5.3.5**

- We oppose the relief sought by the appellant to delete this policy.
- We consider a permitted activity for the take of water at a rate or volume where the take is considered to result in minimal effects is appropriate. This policy should be retained as set out in the decisions version.

**f. Policy 5.4.5**

- We oppose the relief sought and seek to retain the decisions version wording.
- The relief sought by the appellant is in effect an assessment for a new consent. Whether the water is used by the original consent holder or the transferee, the effects on the waterbody are unlikely to be different.
- Water permits are also of relatively short durations allowing a full assessment at the time of renewal. Council retains the ability to carry out a s128 review where necessary.

**g. Objective 5.6**

- We oppose the relief sought in this provision and prefer the decisions version.
- The proposed relief is highly directive yet introduces a high level of uncertainty. We disagree that the decisions version of the objective is inconsistent with avoiding overallocation.

**h. Policy 7.2.1**

- We oppose the relief sought by the appellant.
- This policy relates to landscapes with high amenity values and introduces controls to limit activities that may potentially degrade them. It would be inappropriate to include the same or similar controls on landscapes that do not meet the threshold as higher values landscapes.

**i. Policy 8.2.2**

- We oppose the relief sought by the appellant and disagree with their view that a voluntary partnership approach is ineffective.
- We consider the Plan's partnership approach in conjunction with the proposed NPSIB provides an effective and progressive model to managing biodiversity.
- We oppose the suggestion that a new policy requiring areas identified as significant through the resource consent be included in the PMEP every two years through a Schedule 1 process. Conditions of consent relating to those areas is sufficient and significantly less costly to the ratepayer.

**j. Policy 15.1.3**

- We oppose the relief sought by the appellant.
- We oppose interim limits on nutrients as they would be set without recognising the community values or limits specific to each waterbody. The NPSFM process is the appropriate mechanism for the setting of limits which is carried out in conjunction with the community.

**k. Policy 15.1.8**

- We oppose the relief sought and prefer the existing wording of the policy.
- Federated Farmers considers this policy is not about attenuation but rather citing a preference of a discharge to land over a discharge to water. Any attenuation by land will result in a higher quality of discharge should it ever enter water.

**l. Volume 2, Rule 2.9.9, 2.11.4 & 2.11.5**

- We oppose the relief sought.
- Excluding stock from riparian margins increases the prevalence of pest plant species. This enables pest species to flower and as they tend to use an r-reproductive strategy, the rate of invasion is rapid. Pest plants on river margins maximise seed dispersal via water or the winds that move

up and down river valleys. Further, these ungrazed areas provide habitat for pest animals including ducks which was recently found to be the key source of E.coli in Southlands four main catchments. Finally, the proposed relief does not consider land that slopes away from water margins. We consider there are a number of positive effects of allowing grazing on the riparian margin.

- Federated Farmers considers the relief to exclude stock in intermittent and ephemeral rivers when they are wet is not practical nor likely to have any positive environmental effect. At times, ephemeral rivers are merely a swale depression in a paddock that comprises entirely exotic pasture.

**m. Indigenous Vegetation Clearance Standards (3.3.12 and similar)**

- Federated Farmers oppose the relief sought by the appellant.
- The proposed standards are a general reflection of what other Councils have considered and carried into their Plans as a consequence of the appeal and mediation process. The approach that all clearance requires a consent simply frustrates the process, ratepayers, landowners and Council officers. Some vegetation clearance (depending on species and locale) can be carried out without impacting on the specific values of that vegetation.

**n. Non-complying Activity Status for Indigenous Vegetation Clearance**

- We oppose the relief sought.
- At times, the clearance of indigenous vegetation which exceeds the standards may occur, and any consenting process should assess each application on its merits. A non-complying activity for the most minor of breaches above the standard is not appropriate.

4. Federated Farmers of New Zealand (Inc) agrees to attend mediation and/or dispute resolution in regard to these proceedings.

Dated the 5<sup>th</sup> of June 2020



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