

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991

AND of a notice of motion under section 149T(2)  
to decide proposed Plan Change 1 and Plan  
Change 8: Water for Otago (referred to the  
Environment Court by the Minister for the  
Environment under section 142(2)(b) of the  
Act)

OTAGO REGIONAL COUNCIL

(ENV-2020-CHC-128)

Applicant

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**MEMORANDUM TO COURT FROM FEDERATED FARMERS OF NEW ZEALAND  
PLAN CHANGES 1 AND 8  
25 FEBRUARY 2021**

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**May it please the Court**

1. Federated Farmers of New Zealand ('Federated Farmers') is a party to both Proposed Plan Change 8 to the Regional Plan: Water for Otago (PC 8) and Proposed Plan Change 1 to the Regional Plan: Water for Otago (PC 1) .
2. Federated Farmers has read the Court's minute dated 15 February 2021 in regard to Mediation and Expert Conferencing on Plan Changes 1 and 8.

Plan Change 1

3. Federated Farmers agrees with the Court's position that all of PC1 is amenable to mediation, in that there is a reasonable prospect and opportunity for resolution or narrowing differences between the parties.

Plan Change 8

4. Federated Farmers agrees with the matters specified in paragraphs (3)(1) to (h) as being amendable to mediation. We note these are largely urban matters.
5. Equally, Federated Farmers supports the proposal that the very technical industry specific matters in Schedules 18 and 19 are appropriate for expert conferencing. We consider that specialist farmer input will also be crucial in this regard, and we seek that where an individual farmer seek to be part of this conferencing, that their request be given full consideration. As expanded upon below, we propose timelines whereby expert conferencing occurs subsequent to mediation.
6. Federated Farmers respectfully disagrees with the Court's position at paragraph 5 of the Memorandum where it is stated that the differences between the parties on the balance of PC8 provisions (predominantly rural provisions) are such that differences are unlikely to be resolved through mediation.
7. In our view, mediation will provide parties with a meaningful opportunity to discuss and provide context to the basis for their views and positions. This is particularly important given limited opportunities for engagement with individual submitters prior to the release of this plan change.
8. While many provisions involve matters which are largely technical, or industry-specific, we believe there are still real benefits for endeavouring to narrow or resolve differences, particularly given mediation provides a less formal and less

costly avenue for parties to discuss and resolve concerns, outside of the formal court context.

9. We note that in the Otago region, there is a proud history of submitters resolving significant proportions of Environment Court appeal points through mediation processes.
10. It is our position that mediation would also be an opportunity to identify which additional technical matters could benefit from expert conferencing. It may be that matters are narrowed, such that the extent of expert conferencing may not be as significant as originally thought.
11. We believe that within PC8, there is genuine opportunity to resolve matters included those relating to definitions, and other aspects addressed under the National Policy Statement for Freshwater Management 2020, the National Environmental Standard for Freshwater 2020, or the s360 Regulations for Stock Exclusion from Waterbodies. We understand Council has sought the deletion of provisions relating to winter grazing and stock exclusion, and consider at mediation, the withdrawal of these matters could be finalised and resolved relatively efficiently.
12. On that basis, Federated Farmers respectfully seeks the following:
  - a. That all matters within PC1 are set for mediation;
  - b. That any farming experts who seek to provide input to expert conferencing on farm specific matters should be given full consideration to participate.
  - c. That expert conferencing follows the mediation process.
  - d. That all matters within PC8 as specified below are set for mediation. We consider this would be beneficial to parties, and to the Court, prior to any hearing on the Plan Change.

#### PART A – DISCHARGE POLICIES

- Amended Policy 7.C.5
- Amended Policy 7.C.6
- New Policy 7.C.12
- Amended Policy 7.D.5
- Amended Policy 7.D.6

#### PART B – ANIMAL WASTE STORAGE AND APPLICATION

- New Policy 7.D.7
- New Policy 7.D.8
- Amended Rules 12.C.9.2
- New Rule 12.C.0.4
- New Rule 12.C.1.4
- New Rule 12.C.2.5
- New Rule 14.7.1.1
- New Rule 14.7.1.2
- New Rule 14.7.2.1
- New Rule 14.7.3.1
- New Schedule 18
- New Schedule 19
- New Definition – Dairy Effluent Storage Calculator
- New Definition: Suitably Qualified Person
- Amended Definition: Animal Waste System

#### PART C: GOOD FARMING PRACTICES

- New Policy 7.D.9
- New Definition: Critical Source Area

#### PART D: INTENSIVE GRAZING

- New Rule 14.6.1.1
- New Rule 14.6.2.1
- New Definition: Intensive Grazing

#### PART E: STOCK ACCES TO WATER

- Amended Rule 13.5.1.8A
- New Definition: Dairy Cattle

PART F: SEDIMENT TRAPS

- New Rule 13.5.1.10
- New Definition: Sediment Trap

PART G: SEDIMENT FROM EARTHWORKS FOR RESIDENTIAL DEVELOPMENT

- New Policy 7.D.10
- New Rule 14.5.1.1
- New Rule 14.5.2.1
- New Definition: Earthworks

PART H: NATIONALLY OR REGIONALLY IMPORTANT INFRASTRUCTURE

- Amended Policy 10.4.2

Dated this 25th day of February 2021



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Kim Reilly

Representative for Federated Farmers of New Zealand