

UNDER the Resource Management Act 1991

IN THE MATTER of an appeal under clause 14 Schedule 1 of
the Act

BETWEEN **ENVIRONMENTAL DEFENCE SOCIETY
INCORPORATED**

Appellant

AND **MACKENZIE DISTRICT COUNCIL**

Respondent

**NOTICE OF SIMONS PASS STATION LIMITED'S WISH TO BE PARTY TO
PROCEEDINGS**

26 AUGUST 2021

Instructing Solicitor:

David Wilding
Wilding Law
PO Box 29473
Christchurch 8053

Telephone: (03) 358 9988

Email: david.wilding@wildinglaw.co.nz

Counsel Instructed:

Kelvin Reid
Canterbury Chambers
PO Box 9344
Christchurch 8149

Telephone: 021 997 343

Email: kgr@kelvinreid.co.nz

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

To: The Registrar
Environment Court
Christchurch
DX: WX11113

1. **Simons Pass Station Limited** wishes to be a party to the following proceedings:

ENV-2021-CHC-94 Environmental Defence Society Incorporated v Mackenzie District Council

2. Simons Pass Station Limited is a person who made a submission and further submission on Plan Change 18 of the Mackenzie District Plan that is the subject matter of these proceedings.
3. Simons Pass Station Limited is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. Simons Pass Station Limited is interested in all of the proceedings.
5. Simons Pass Station Limited is interested in the following particular issues:
 - Mapping of fully converted and unconverted land.
 - Definition of *improved pasture*.
 - Definition of *significant indigenous vegetation and significant habitats of indigenous fauna*.
 - Definition of *vegetation clearance*.
 - Policy 4.
 - Rule 1.1.1(1)(a) regarding requested maximum clearance cap.
 - Rule 1.1.1(7) – clearance of indigenous vegetation within an area of improved pasture.

6. Simons Pass Station Limited opposes the relief sought because:
- Plan Change 18 as determined by the Mackenzie District Council provides appropriate protections for significant indigenous vegetation and significant habitats of indigenous fauna, while also making some provision for landowners to continue normal farming operations.
 - The decisions version of the Plan Change is consistent with Part 2 of the Resource Management Act 1991, gives effect to the Canterbury Regional Policy Statement and is in accordance with the Council's functions under section 31 of the Act.
 - The relief sought by the Appellant will result in the introduction of unnecessarily restrictive controls on normal farming land use, with significant impacts on landowners.
 - The proposed relief referring to "fully agriculturally converted land", which is land where indigenous vegetation had been fully removed, is unworkable.
 - The matters of concern raised by the Appellant overlook the protections that already exist in the Mackenzie District Plan through the controls on agricultural conversion and pastoral intensification.
 - The proposal to include maps of "fully converted land" in Plan Change 18 is out of scope of the Plan Change. Furthermore, the mapping work that has been done to date has not been subject to appropriate scrutiny; and there has been no opportunity for affected landowners, some of whom may not have submitted on PC18, to comment on the mapping proposals.
7. Simons Pass Station Limited agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 26th day of August 2021



Kelvin Reid

Counsel for Simons Pass Station Limited

The address for service is at the offices of Wilding Law, 356 Memorial Avenue, Christchurch. Documents for service may be:

- a. Left at that address; or

- b. Posted to the solicitor at PO Box 29473, Christchurch 8053; or
- c. Emailed to david.wilding@wildinglaw.co.nz.

Please also copy all correspondence to Kelvin Reid at kgr@kelvinreid.co.nz.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.