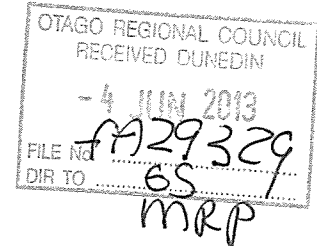


31 May 2013

The Registrar
Environment Court
99-101 Cambridge Terrace
CHRISTCHURCH

By Courier



Dear Registrar

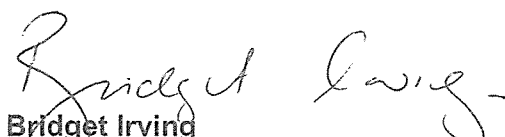
**DUNEDIN CITY COUNCIL v OTAGO REGIONAL COUNCIL
CENTRAL OTAGO DISTRICT COUNCIL v OTAGO REGIONAL COUNCIL
CLUTHA DISTRICT COUNCIL v OTAGO REGIONAL COUNCIL
DUNEDIN INTERNATIONAL AIRPORT LIMITED v OTAGO REGIONAL COUNCIL
R BORST v OTAGO REGIONAL COUNCIL
MCHOLLAND FARMING LIMITED v OTAGO REGIONAL COUNCIL
LAKES LANDCARE GROUP v OTAGO REGIONAL COUNCIL
CARDRONA LAND CARE GROUP v OTAGO REGIONAL COUNCIL**

We enclose for filing:

1. Notice of Appeal (in duplicate) for Dunedin City Council;
2. Notice of Appeal (in duplicate) for Central Otago District Council;
3. Notice of Appeal (in duplicate) for Clutha District Council;
4. Notice of Appeal (in duplicate) for Dunedin International Airport Limited;
5. Notice of Appeal (in duplicate) for Robert Borst;
6. Notice of Appeal (in duplicate) for MCHolland Farming Limited;
7. Notice of Appeal (in duplicate) for Lakes Landcare Group;
8. Notice of Appeal (in duplicate) for Cardrona Land Care Group;
9. Each appeal is filed with duplicates of Submission and Further Submission (where relevant) of the Appellant. Duplicate copies of the relevant Decision and Proposed Plan Change 6A incorporating the Council's Decisions are included;
10. List of submitters who have been served;
11. Eight cheques for \$511.11 each for the filing fees.

If you have any questions please do not hesitate to contact us.

Yours faithfully
GALLAWAY COOK ALLAN


Bridget Irving
Associate (Dunedin)

BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY

ENV 2013-CHC-

UNDER	the RESOURCE MANAGEMENT ACT 1991
IN THE MATTER	of Proposed Plan Change 6A
BETWEEN	LAKES LANDCARE GROUP Appellant
AND	OTAGO REGIONAL COUNCIL Respondent

NOTICE OF APPEAL
AGAINST DECISION OF RESPONDENT ON PROPOSED PLAN CHANGE
6A

DATED 31 MAY 2013

**GALLAWAY COOK ALLAN
LAWYERS
WANAKA**

Solicitor on record: P J Page
Solicitor to contact: P J Page
P O Box 450, Wanaka 9343
Ph: (03) 443 0044
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Email: phil.page@gcalegal.co.nz

To: The Registrar
Environment Court
Christchurch

1. **Lakes Landcare Group** ("the Appellant") appeals against the decision of Otago Regional Council on Proposed Plan Change 6A to the Regional Plan: Water ("**Plan Change**").
2. The Appellant represents pastoral farmers within the Nitrogen Sensitive Zone of the Lakes Area - Wanaka & Queenstown (includes Hawea). Refer Map H5 & H6.
3. The Appellant made a submission on the Plan Change. Many of its members made their own individual submissions also. Lakes Landcare Group is the successor to those individual submissions.
4. The Appellant received notice of the decision on or about 19 April 2013, that notice made by form of letter advising the decision was available for viewing on the Respondent's website.
5. The decision was made by Otago Regional Council.
6. The Appellant supports the intention of the plan change to protect water quality through adopting performance standards for permitted activities within the region but has some concerns about particular aspects of the plan change that it wishes to address through this appeal.
7. The Appellant is aware of potential environmental impacts from pastoral farming, acknowledging necessary changes that have been made to improve water quality and accepting that further changes to some management practices will need to be adopted over time.
8. The Appellant considers that an implementable Plan with realistic goals and outcomes pertaining to the protection of water quality is in the best interests of both the Appellant and the Respondent and indeed the public.
9. The aspects of the decision being appealed are set out below.

General reasons for appeal

10. The decision:
- (a) Is contrary to Part 2 of the Resource Management Act 1991 (the Act) and will not achieve the purpose and principles of the Act through promoting the sustainable management of natural and physical resources;
 - (b) Does not contain a full evaluation of alternatives, benefits and costs as required by section 32(2)(a) of the Act.
11. The Plan Change:
- (a) Places water quality objectives above all else with very little scope for considering other matters relevant under the Act, in particular economic and social wellbeing.
 - (b) Does not implement the National Policy Statement for Freshwater 2011 in that:
 - (i) It does not adequately reflect the full range of values for fresh water, including primary production.
 - (ii) It fails to adequately take a catchment approach to managing fresh water values.
 - (c) Unfairly places stringent limits and standards on the Lakes Area through the use of arbitrary decision making evoked by apparent perception rather than specific scientific research or evidence intended to genuinely protect water quality.
 - (d) Fails to acknowledge that pastoral farming has occurred in the Lakes Area for 160-years with no tangibly linked effects on, or decline in, what is termed as 'pristine water quality'.

Specific reasons for appeal

Catchment characteristics:

12. The decision does not fully acknowledge the often significant differences between catchments and within catchments. The proposed Plan Change fails to recognise that not all plan provisions can address the same rural

environment and the different activities that occur within that rural environment.

13. The Respondent's decision has failed to respond to the need for further research and monitoring to be undertaken in the Lakes Area catchment prior to the Plan Change becoming operative.
14. The Appellant seeks that more work be done collectively and collaboratively in investigating and understanding the values held in respect to the Lakes Area catchment, so that any effects based plan provisions logically follow and address specific catchment characteristics avoiding the need for inevitable future plan changes.

Schedule 15 (Receiving Standards – Receiving Water Group 3):

15. The standards do not fully take into account the physical and climatic characteristics of the area. The proposed Plan Change fails to recognise the characteristics of current land use and the relative restrictions on future land use as a result of the physical and climatic constraints.
16. The standards have been set with limited scientific research or evidence. Monitoring and research that has been undertaken has been done so on water bodies that are not representative of tributaries within the Receiving Water Group 3 area.
17. The proposed Plan Change makes assumptions around the relationship, or effect, of water quality within major tributaries to that of water quality within minor tributaries and the lakes.
18. The Appellant seeks that the standards be altered to more accurately reflect the characteristics of the Lakes Area taking into account current and future land use and the correlation between that land use and water quality.

Schedule 16 (Discharge Limits – Discharge Limit Area 2 Catchments)

19. Schedule 16 limits are intended to achieve Schedule 15 standards. Rule 12.C.1.1(d)(1) provides for discharge limits when the representative flow monitoring site is at or below the reference flow indicated in Schedule 16B.

20. The Appellant acknowledges the Respondent's efforts to provide objective guidelines however the Rule fails to recognise that the flow monitoring sites are often unaffected during specific high rainfall events in the Lakes Area which would provide inaccurate samples. Whilst the intention would perhaps not be to carryout sampling during these times, a literal interpretation of the Rule could prove otherwise.
21. The Appellant seeks that Rule 12.C.1.1(d)(1) be clarified or altered to better reflect the intentions of Plan Change and the practical implications of this Rule in the Lakes Area.

Modelling - Rule 12.C.1.3

22. The Respondent uses OVERSEER version 6.0 as a tool for calculating nitrogen leaching. The computer model's output is entirely dependent on the inputs used and is hugely affected by extreme physical and climatic factors such as high rainfall and overly free draining soil types.
23. The Respondent has set a nitrogen leaching limit of 10 kg N/ha/year on that area of the landholding located over the relevant Nitrogen Sensitive Zone identified in Maps H5 and H6 in the Plan. The limit has been set in the absence of specific modelling and does not fairly take into account current levels of leaching on farm and the relationship between that level of leaching and water quality trends.
24. The Appellant seeks that work be carried out to ensure the efficacy of Overseer in the Lakes Area and that the nitrogen leaching rate be altered and set in line with a genuine understanding of the relationship between the modelled output and water quality.
25. The Appellant wishes to record that although co-operation with farmers will be required to verify OVERSEER and to set appropriate limits in 12.C.1.3(a)(i), it would be wrong to create criminal consequences for failing to provide OVERSEER reports or input data to the Council prior to the date on which leaching limits come into effect. Co-operation is a non-regulatory method.

Stock Crossings – Rule 13.5.1B (a)

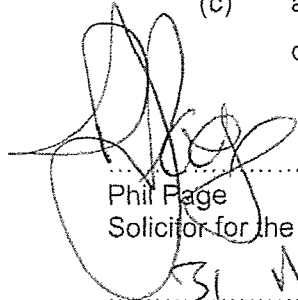
26. Rule 13.5.1.8A(c) addresses the disturbance of beds of lakes and rivers or any regionally significant wetlands by livestock, excluding intentional driving of livestock. This is a permitted activity if there is no “feeding out”.
27. There is no definition of “feeding out” in the Plan Change and the effect of this rule is unclear.
28. Rule 13.5.1.8B(a) addresses the disturbance of any bed of a lake or river or any regionally significant wetland by livestock when they are being intentionally driven. This is a permitted activity providing there is no “existing structure available for use, and there is no suitable site for the erection or placement of a structure, to avoid bed disturbance.”
29. There is no definition of “suitable site” in the Plan Change and the effect of this rule is unclear.
30. The literal interpretation of these rules are perhaps more severe than intended during the Plan Change process.
31. The Appellant seeks that the wording around “feeding out” and “suitable site” are clarified or altered to better reflect the intentions of Plan Change and the practical implications of this Rule in the Lakes Area.

Relief sought

32. The Appellant seeks the following relief:
 - (a) That the Court amends the Decision as set out in this appeal, or such other relief to give effect to the Appellant’s concerns;
 - (b) If the relief sought cannot be granted, then that the Plan Change be cancelled.
 - (c) Such further or consequential relief (including consequential amendments to any of the provisions) as may be necessary to fully give effect to the relief sought in this appeal; and
 - (d) Costs.

33. The Appellant attaches the following documents to this notice:

- (a) a copy of its submission;
- (b) a copy of the relevant decision;
- (c) a list of names and addresses of persons to be served with a copy of this notice.



 Phil Page
 Solicitor for the Appellants
 31 May 2013
 Date

Address for service
 Of Appellants: Gallaway Cook Allan
 Lawyers
 24 Dungarvon Street
 P O Box 450
 Wanaka 9343

Telephone: (03) 443 0044

Fax: (03) 443 6651

Email: phil.page@gcalegal.co.nz
 jan.caunter@gcalegal.co.nz

Contact Person: Phil Page
 Jan Caunter

Advice to Recipients of Copy of Notice of Appeal

1. How to become party to proceedings

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after this notice was lodged with the Environment Court. You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

2. How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the Appellant's submission and (or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the Appellants.

3. Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Christchurch.

Contact Details of Environment Court for Lodging Documents:

Documents may be lodged with the Environment Court by lodging them with the Registrar.

The Christchurch address of the Environment Court is:

99-101 Cambridge Terrace
Christchurch 8013

Its postal address and contact numbers are:

P O Box 2069
Christchurch 8140
Telephone: (03) 962 4170
Fax: (03) 962 4171