

**BEFORE THE ENVIRONMENT  
COURT  
I MUA I TE KOOTI TAIAO O  
AOTEAROA**

**ENV-2018-CHC-000037  
ENV-2018-CHC-000050**

**IN THE MATTER**

**of the Resource Management Act  
1991**

**AND**

**of appeals under Clause 14 of the  
First Schedule of the Act**

**BETWEEN**

**SOUTHLAND FISH AND GAME  
COUNCIL  
Appellant**

**BETWEEN**

**ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF  
NEW ZEALAND  
INCORPORATED  
Appellant**

**AND**

**SOUTHLAND REGIONAL  
COUNCIL  
Respondent**

---

**NOTICE OF PERSON'S WISH TO BE HEARD ON NOTICE OF MOTION**

**Dated 2 June 2020**

---

Form 37 Notice of person's wish to be heard on notice of motion

*Section 291(4), Resource Management Act 1991*

**To** the Registrar  
Environment Court  
Christchurch

The **Royal Forest and Bird Protection Society of New Zealand Inc** (“Forest & Bird”) and **Southland Fish and Game Council** (“Fish & Game”) wish to be heard on the notice of motion by **Ballance Agri-Nutrients Limited, Federated Farmers of New Zealand (Southland), Horticulture New Zealand, and Ravensdown Limited** under s 291 of the Resource Management Act 1991 for a ruling that evidence relating to Objectives 1 and 3 (and consequential amendments to other Objectives) of the proposed Southland Land and Water Regional Plan are beyond the scope of the Ngā Rūnanga appeal, and are therefore to be excluded from the Court’s consideration.

The notice of motion was served on Forest & Bird and Fish & Game on 22 May 2020.

Forest & Bird and Fish & Game wish to advance the following matters:

1. They wish to assist the Court on two questions that the Court has asked arising from the Notice of Motion, being:
  - a. Pursuant to s 67(3) RMA, to what extent does the proposed Southland Water and Land Plan give effect to the National Policy Statement for Freshwater Management; and
  - b. Relative to the extent identified, if the court determines that the proposed SWLP does not give effect to the NPS, what are the powers of the court pursuant to s 290?
2. Their position on those matters is that:
  - a. The pSWLP did not seek to implement the FMU provisions but otherwise sought to implement the NPSFM (all objectives and all other policies).
  - b. The extent to which it has achieved this in reality is the subject of appeals. Forest & Bird and Fish & Game consider substantial alterations are required in order for the pSWLP to properly implement the NPSFM.
  - c. The Court’s jurisdiction under s 290 is subject to the scope of matters raised in appeals, except that the Court’s jurisdiction may be extended where the s 293 process is followed.
3. Their position on the question of scope raised by the notice of motion is that evidence relating to Objectives 1 and 3 and consequential amendments to other Objectives is within the scope of the Ngā Rūnanga appeal, which sought to ensure that Te Mana o te Wai is at the forefront of pSWLP, from the objectives through to the rules.

4. They do not object to evidence being provisionally admitted and the Notice of Motion being heard at the June hearing, but consider that the Notice of Motion challenges the admissibility of all of the evidence filed in relation to Objectives 1 and 3 (not just the Ngā Rūnanga evidence) such that all of that evidence may need to be provisionally admitted pending determination of the Notice of Motion.
5. They seek to provide submissions on these matters as part of the written submissions that will be filed in advance of the hearing (in accordance with the Court's previous direction).

Signature of person authorised to sign  
on behalf of person wishing to be heard

A handwritten signature in blue ink, appearing to read 'Sally Gepp'.

Date 2 June 2020

Address for service of person wishing to be heard:

Royal Forest and Bird Protection Society of New Zealand Inc  
Southland Fish & Game Council  
Telephone: 021 558 241  
Fax/email: [sally@sallygepp.co.nz](mailto:sally@sallygepp.co.nz)  
Contact person: Sally Gepp