

In the Environment Court of New Zealand
Christchurch Registry

I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

ENV-2018-CHC-39

Under	the Resource Management Act 1991 (RMA)
In the matter of	an appeal under Clause 14(1) of Schedule 1 of the RMA in relation to the proposed Southland Water and Land Plan (pSWLP)
Between	Alliance Group Limited Appellant
And	Southland Regional Council (Environment Southland) Respondent

Notice of Gore District Council, Southland District Council and Invercargill City Council (Territorial Authorities) wish to be party to proceedings pursuant to section 274 RMA

22 June 2018

Territorial Authorities' solicitors:
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To: The Registrar
Environment Court
Christchurch

- 1 Gore District Council, Southland District Council and Invercargill City Council (**Territorial Authorities**) wish to be a party pursuant to section 274 of the RMA to the following proceedings:

Alliance Group Limited v Southland Regional Council (ENV-2018-CHC-39) being an appeal against decisions of Environment Southland on the proposed Southland Water and Land Plan (**pSWLP**).

- 2 Gore District Council, Southland District Council and Invercargill City Council are the three territorial authorities located within the Southland region.
- 3 The Territorial Authorities have made both joint and individual submissions on the pSWLP.
- 4 The Territorial Authorities have lodged an appeal in relation to the pSWLP (**ENV-2018-CHC-31**).
- 5 The Territorial Authorities are not trade competitors for the purposes of section 308C or 308CA of the RMA.
- 6 The Territorial Authorities have a responsibility for Southland's infrastructure, stormwater and community sewerage schemes.
- 7 The parts of the proceedings the Territorial Authorities are interested in, including the particular issues and whether the Territorial Authorities support, oppose or conditionally oppose the relief sought are set out in the **attached** table.
- 8 The Territorial Authorities agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 22nd day of June 2018



Michael Garbett | Rachel Brooking
Counsel for Territorial Authorities

Address for service of person wishing to be a party

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Advice

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

Table: Gore District Council, Southland District Council and Invercargill City Council (**Territorial Authorities**) section 274 notice – **Alliance Group Limited** ENV-2018-CHC-39

Part of the proceedings	Relief sought by Appellant	Issues	Support, Oppose, or Conditionally oppose	Reasons
Objective 11	<p>Objective 11 be amended as set out below, or alternatively that a new objective be inserted which requires decision makers to have regard to the primacy of community water supplies and priority takes when managing the allocation and use of water:</p> <p>Objective 11</p> <p><i>Water is allocated and used efficiently <u>having had regard to the primacy of community water supplies and priority takes</u></i></p>	<ul style="list-style-type: none"> Decision makers to have regard to the primacy of community water supplies and priority takes. 	Support	<ul style="list-style-type: none"> The proposed amendment better implements Objective 9B of the pSWLP.
Objective 13	<p>Objective 13, Objective 13A and Objective 13B be deleted and replaced with Objective 13 from the notified version of the Proposed WLP; or</p> <p>Objective 13B be deleted.</p>	<ul style="list-style-type: none"> Deletion of Objective 13, 13A and 13B. 	Conditionally oppose	<ul style="list-style-type: none"> The territorial authorities have an interest in Southland's land, soil and water resources and accept the Decisions Version of Objectives 13, 13A and 13B.
Objective 18	<p>Objective 18</p> <p><i>All <u>farming activities operate in accordance with “good management practice” or better, and discharges from industrial or trade processes shall operate in accordance with the best practicable option, to optimise efficient resource use, safeguard the life supporting capacity of the region’s land and soils, and maintain or improve the quality and</u></i></p>	<ul style="list-style-type: none"> Addition of "best practicable option". 	Conditionally oppose	<ul style="list-style-type: none"> It is not clear whether best practicable option in Objective 18 is consistent with Objective 9B, or whether this should be in an objective.

Part of the proceedings	Relief sought by Appellant	Issues	Support, Oppose, or Conditionally oppose	Reasons
	<i>quantity of the region's water resources.</i>			
Policy 14	<p><i>Policy 14 – Preference for discharges to land</i></p> <p><i>Prefer discharges of contaminants to land over discharges of contaminants to water where a discharge to land is practicable and appropriate, unless adverse effects associated with a discharge to land are greater than a discharge to water. Particular regard shall be given to any adverse effects on cultural values associated with a discharge to water.</i></p>	<ul style="list-style-type: none"> • Addition of "where a discharge to land is practicable and appropriate". 	Support	<ul style="list-style-type: none"> • The proposed amendment better implements Objective 9B of the pSWLP.
Policies 15A, 15B, 15C and Policy 16A	<p>The Appellant seeks that Policy 16A be retained and that Policy 15A and Policy 15B be deleted and replaced with the following provision sought in its submission:</p> <p><u>Policy 15 - Maintaining and improving water quality before FMU processes.</u></p> <p><u>Until freshwater objectives and freshwater management unit limits are established in accordance with Policy 47 manage land use activities and discharges in order to:</u></p> <p><u>1. Maintain water quality in surface water bodies where it is better than the water quality standards specified in Appendix E Water Quality Standards; or</u></p> <p><u>2. Where practicable, improve water quality</u></p>	<ul style="list-style-type: none"> • Deletion of Policies 15A and 15B and proposed Policy 15. 	Conditionally oppose	<ul style="list-style-type: none"> • The proposed deletion and change of wording could have consequences for water quality that are not consistent with the National Policy Statement for Freshwater Management 2014 (amended 2017).

Part of the proceedings	Relief sought by Appellant	Issues	Support, Oppose, or Conditionally oppose	Reasons
	<i>in surface water bodies where it does not meet the water quality standards specified in Appendix E 'Water Quality Standards'.</i>			
Rule 5	<p>(a) That Rule 5 and Rule 6 be amended so that achieving the standards in Appendix E Water Quality Standards and Appendix C ANZECC Sediment Guidelines is not determinative of activity status for discharges from its processing plants.</p> <p>(b) That Rule 5 and Rule 6 be amended so that replacement consents for existing discharge activities are discretionary activities.</p>	<ul style="list-style-type: none"> Amendment of Rule 5. 	Conditionally oppose	<ul style="list-style-type: none"> The proposed change of wording could have consequences for reticulated stormwater and wastewater systems.
Appendix E – Water Quality Standards	... the standards in Appendix E be amended so they take appropriate account of existing land use, existing water quality and natural variability.	<ul style="list-style-type: none"> Amendment of Appendix E. 	Support	<ul style="list-style-type: none"> The water quality standards related to this rule need to be established for each catchment as part of the limit setting process properly carried out by Environment Southland.