

**BEFORE THE ENVIRONMENT COURT**

**I MUA I TE KOOTI TAIAO O AOTEAROA**

**AT CHRISTCHURCH**

**ENV – 2018 – CHC – 00027**

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of an appeal under clause 14(1) of the First Schedule of  
the Act in relation to the Proposed Southland Water and  
Land Plan

**BETWEEN**

**Fonterra Co-operative Group Ltd**

Appellant

**AND**

**Southland Regional Council**

Respondent

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**NOTICE OF WISH OF DIRECTOR-GENERAL OF CONSERVATION TO BECOME A  
PARTY TO PROCEEDINGS**

Section 274 Resource Management Act 1991

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**Department of Conservation**

Planning, Permissions and Land

Department of Conservation

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Christchurch 8140

Phone: 03 371 3700

Solicitor: Pene Williams

**To:** The Registrar  
 Environment Court  
 Christchurch

1. I, Lou Sanson, Director-General of Conservation (the Director-General) wish to be a party to an appeal against part of the decision of the Southland Regional Council on the Proposed Southland Water and Land Plan (the proposed Plan) by Fonterra Co-operative Group Ltd (the appellant), ENV – 2018 – CHC – 000027 (the notice).
2. I made a submission and further submission on the proposed Plan<sup>1</sup>, in particular Policy 16<sup>2</sup> and Rule 20<sup>3</sup>.
3. I am not a trade competitor for the purposes of section 308C or section 308CA of the Resource Management Act 1991 (RMA).
4. I am interested in part of the appeal.
5. My interests are as follows:

Policy 16 – Farming activities that affect water quality

- 5.1. In paragraph 5(a) and Appendix 1 of the notice, the appellant appeals that part of the decision dealing with Policy 16 as it considers the policy applies in the interim period prior to the development of freshwater objectives under Freshwater Management Unit processes. The appellant argues that as overallocation is not defined in the plan and as freshwater objectives have not yet been defined, the policy is unclear.
- 5.2. The appellant seeks to amend Policy 16.1(b) by deleting subparagraph (ii).

Rule 20 – Farming

- 5.3. In paragraph 5(c) and Appendix 1 of the notice, the appellant appeals that part of the decision dealing with Rule 20. The appellant considers the Rule imposes a requirement for a duplicative Farm Environmental Management Plan for its Edendale manufacturing site and irrigating with treated wastewater from the Edendale site, where these areas are subject to existing discharge resource consents which include a requirement for a management plan.

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<sup>1</sup> Submitter Number 210

<sup>2</sup> Submission Point 210.55, Further Submission Points on Forest & Bird NZ 279.24, and Fish and Game 752.60

<sup>3</sup> Submission Point 210.82, Further submission Points on Environment Southland 247.8, Fish and Game 752.112

- 5.4. The appellant seeks amendments to Rule 20(a) to avoid this duplication.
- 5.5. The appellant further seeks amendments to Rule 20(d) because of practical difficulties with implementing the Rule.
6. I oppose the relief sought in the appeal with respect to Policy 16 and Rule 20. My reasons for opposing the relief sought are as follows:

Policy 16 – Farming activities that affect water quality

- 6.1. The relief sought by the appellant is inappropriate to ensure that water quality is maintained or improved. I recognise that Policy 16(1)(b)(ii) could be clarified.
- 6.2. The relief sought by the appellant:
- 6.2.1. is contrary to Part 2 of the RMA by not achieving the sustainable management purpose in section 5; and failing to recognize and provide for matters of national importance including: section 6(a) natural character of wetlands, lakes, rivers and coastal environment and their margins and section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- 6.2.2. fails to give effect to the National Policy Statement for Freshwater Management 2014 (as amended 2017) (NPSFM) as required by section 67(3) of the RMA, in particular: Objectives A1, A2 and Policy A1.
- 6.2.3. in the coastal environment, fails to give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS) as required by section 67(3) of the RMA, in particular: Objective 1 and 7, and Policies 3, 5, 11, 13, 21 and 23.
- 6.2.4. fails to give effect to the Southland Regional Policy Statement 2017 (SRPS) as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1, and WQUAL.2, and Policies WQUAL.2, WQUAL.3 and WQUAL.4.

Rule 20 – Farming

- 6.3. The relief sought by the appellant does not provide certainty that water quality will be maintained or improve.
- 6.4. The relief sought by the appellant:

- 6.4.1. is contrary to Part 2 of the RMA by not achieving the sustainable management purpose in section 5; and by failing to recognize and provide for matters of national importance including: section 6(a) natural character of wetlands, lakes, rivers and their margins and section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
  - 6.4.2. contrary to section 10(4) RMA as it creates the expectation of protection of existing uses of land.
  - 6.4.3. fails to give effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objective A1, Objective A2, and Policy A1.
  - 6.4.4. in the coastal environment, fails to give effect to the NZCPS as required by section 67(3) of the RMA, in particular: Objective 1 and 7, and Policies 3, 5, 11, 13, 21 and 23.
  - 6.4.5. fails to give effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1 and WQUAL.2, and Policies WQUAL.1 and WQUAL.2.
7. I agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated the 22<sup>nd</sup> of June 2018



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Aaron Fleming, Director Operations, Southern South Island Region

Pursuant to delegated authority from the Director-General of Conservation<sup>4</sup>

*Address for service of interested party:*

Director-General of Conservation

Planning, Permissions and Land

Department of Conservation

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<sup>4</sup> A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18-32 Manners Street, Wellington 6011  
SAR-04-83-117 Fonterra - proposed Southland Water and Land Plan - s274 joining notice - DOC-5504442

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