

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2018-CHC-000050

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under Clause 14(1) of the First
Schedule of the Act in relation to the
proposed Southland Water and Land Plan

BETWEEN **Royal Forest and Bird Protection Society
of New Zealand Incorporated**

Appellant

AND **Southland Regional Council**

Respondent

**NOTICE OF WISH TO BE
PARTY TO PROCEEDINGS PURSUANT TO
SECTION 274 RESOURCE MANAGEMENT ACT 1991**

To: The Registrar

Environment Court

Christchurch

1. Horticulture New Zealand ("**HortNZ**") wishes to be a party pursuant to section 274 of the Resource Management Act 1991 ("**RMA**") to the following proceedings:
 - (a) *Royal Forest and Bird Protection Society of New Zealand Incorporated v Southland Regional Council (ENV-2018-CHC-000050)* being an appeal against decisions of the Southland Council on the proposed Southland Water and Land Plan.
2. HortNZ made submissions and further submissions on the proposed Southland Water and Land Plan (submission number 390 and further submission number 390).
3. HortNZ also has an interest in these proceedings that is greater than the general public as it represents interest groups in the community that are likely to be affected by the proposed relief sought by the Respondent
4. HortNZ is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
5. The parts of the proceedings HortNZ is interested in are:
6. Region-wide Objective:
 - (a) Objective 6
 - (b) Objective 9, Objective 9A and Objective 9B
 - (c) Objective 13, Objective 13A and Objective 13B

7. Region Wide Policies:

- (a) Policy 6 – Gleyed, Bedrock / Hill Country and Lignite-Marine Terraces
- (b) Policy 10 – Oxidising
- (c) Policy 13 – Management of land use activities and discharges
- (d) Policy 15 – Maintaining and improving water quality
- (e) Policy 15A – Maintain water quality where standards are met
- (f) Policy 15B – Improving water quality where standards are not met
- (g) Policy 15C – Maintaining and improving water quality after FMU processes
- (h) Policy 16 – Farming activities that affect water quality
- (i) Policy 20 – Management of water resources
- (j) Policy 39 – Application of permitted baseline
- (k) Policy 39A – Integrated Management

8. Discharge Rules:

- (a) Rule 13 – Discharges from subsurface drainage systems
- (b) Rule 14 – Discharge of fertiliser
- (c) Rule 20 – Farming
- (d) Rule 24 – Incidental Discharges from farming
- (e) Rule 25 – Cultivation

9. The particular issues and whether HortNZ supports, opposes or conditionally opposes the relief sought are set out in the attached table.

10. HortNZ agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Rachel McClung

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14 / 06 / 2018

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Advice

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

ATTACHMENT 1

| Provision Appealed by Royal Forest and Bird Protection Society | Scope for s274 (HortNZ submission point reference) | Support / Oppose | Reason |
|---|--|------------------|---|
| Objective 6 | 390.FS on 279.6 | Oppose | Objective A2 of the NPSFM seeks that the overall quality of fresh water is maintained or improved. Objective 6 is consistent with the NPSFM. |
| Objective's 9, 9A and 9B | 390.3 and FS on 279.9 | Oppose | Objective 9 is focused on s6 matters. Recreational values are not a s6 matter so it is inappropriate that they are included in Objective 9. The objectives provide an overall framework for the Plan. The appellant seeks a hierarchy to be applied to the framework which is inappropriate as the approach is that all objectives are achieved. |
| Objective 13,13A and 13B | 390.5 and FS on 279.12 | Oppose | HortNZ supports the enabling objective to use and development of land and soils to support the economic, social and cultural wellbeing of the region. The use of such resources is balanced through other objectives and policies, so it is not necessary to amend the policy framework as sought by the appellant. |
| Policy 6 – Gleyed, Bedrock / Hill Country and Lignite-Marine Terraces | 390.9 and FS on 210.45 | Oppose in part | HortNZ supports the approach in Policy 6 requiring implementation of good management practices to manage adverse effects on water quality. |
| Policy 10 – Oxidising | 390.10 and FS on 752.44 | Oppose in part | The appellant seeks to make cultivation prohibited in the Oxidising Physiographic Zone. HortNZ considers that cultivation can be undertaken using good management practices which will achieve the objectives and policies in the Plan. |

| Provision Appealed by Royal Forest and Bird Protection Society | Scope for s274 (HortNZ submission point reference) | Support / Oppose | Reason |
|--|---|-----------------------------------|---|
| Policy 13 – Management of land use activities and discharges | 390.FS on 277.21 and 895.25 | Oppose in part Support in part | HortNZ supports the inclusion of use and development of Southland’s land and water resources, including for primary production. The appellant seeks to delete reference to primary production. However it is only an ‘inclusion’ not an exclusive activity. Given the importance of primary production to Southland it is appropriate that it is identified as a means to provide for social, economic and cultural wellbeing. Deletion of primary production is opposed. |
| Policy 15 – Maintaining and improving water quality | 390.11 and FS on 17.19 and 265.46 | Oppose | The decisions delete Policy 15 and replace it with three new policies. The restructured policies provide for a clearer process and framework and are consistent with the NPSFM. |
| Policy 15A – Maintain water quality where standards are met | 390.11 and FS on 17.19 and 265.46 | Oppose | The decisions delete Policy 15 and replace it with three new policies. The restructured policies provide for a clearer process and framework and are consistent with the NPSFM. |
| Policy 15B – Improving water quality where standards are not met | 390.11 and FS on 17.19 and 265.46 | Oppose | The decisions delete Policy 15 and replace it with three new policies. The restructured policies provide for a clearer process and framework and are consistent with the NPSFM. |
| Policy 15C – Maintaining and improving water quality after FMU processes | 390.11 and FS on 17.19 and 265.46 | Oppose | The decisions delete Policy 15 and replace it with three new policies. The restructured policies provide for a clearer process and framework and are consistent with the NPSFM. |
| Policy 16 – Farming activities that affect water quality | 390.13 and FS on 210.55, 572.1, 661.24 and 803.25 | Oppose | HNZ supports the decision version of Policy 16 as it is an effects based approach, rather than the more restrictive regime sought by the appellant. |

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|---|---|-------------------------|---|
| Policy 20 – Management of water resources | 390.14 and FS on 277.27, 265.50, 279.27 and 752.63 | Oppose | The appellant seeks to delete reference to primary production. However it is only an 'inclusion' not an exclusive activity. Given the importance of primary production to Southland it is appropriate that it is identified as a means to provide for social, economic and cultural wellbeing. Deletion of primary production is opposed. HortNZ supports the inclusion of avoid, remedy or mitigate as it is consistent with the RMA. |
| Policy 39 – Application of permitted baseline | 390.FS on 277.27 | Oppose | HortNZ supports the appeal by Federated Farmers to delete Policy 39, rather than amend as sought by the appellant. A plan policy should not override a statutory discretion. |
| Policy 39A – Integrated Management | 390.18 | Oppose in part | HortNZ has appealed Policy 39A and sought that it be moved to follow Policy 47 under Freshwater Management Unit Process Policies as it is a more appropriate location for consideration of integrated management. |
| Rule 13 – Discharges from subsurface drainage systems | 390.27 and FS 249.20, 247.8, 279.63, 622.18 and 752.105 | Oppose | Rule 13 includes a range of standards that need to be met for an activity to be permitted. The additional condition sought by the appellant is uncertain as a condition in a permitted activity rule. The conditions in the decisions version address the concern of the appellant. |
| Rule 14 – Discharge of fertiliser | 390.28 and FS 249.21, 265.80, 661.35 and 698.4 | Oppose | The appellant seeks a blanket 10m setback for all fertiliser applications. HortNZ has appealed Rule 14 to ensure that good management practices are used for discharge of fertilisers which is more effects based than requiring a mandatory 10m setback. |

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|--|---|------------------|---|
| Rule 20 – Farming | 390.29 and FS 62.8, 100.2, 210.82, 247.9, 361.8, 572.2, 661.37, 752.112, 803.38, and 832.21 | Oppose | The appellant seeks the addition of intensive horticulture to Rule 20a). The plan focuses on the key issues for water quality in Southland. Intensive horticulture was not identified as a key issue. HortNZ considers that the effects from horticulture can be adequately managed through the activity rules in the Plan such as cultivation and discharge of fertiliser and does not need to be specifically included in Rule 20a). A non-complying activity is unnecessary where the standards in the Rule are not met. |
| Rule 24 – Incidental Discharges from farming | 390.FS on 279.70 and 752.117 | Oppose | Rule 24 includes a range of standards that need to be met for an activity to be permitted. The additional conditions sought by the appellant are uncertain as a condition in a permitted activity rule. The conditions in the decisions version address the concern of the appellant. |
| Rule 25 – Cultivation | 390.30 and FS 279.71, 190.14, 265.88, and 752.118 | Oppose | The appellant seeks to increase setbacks for all cultivation. HortNZ has appealed Rule 25 to ensure that good management practices are used for cultivation which is more effects based than requiring mandatory setbacks so does not support the changes sought by the appellant. |