

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2018-CHC-000037

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 Resource Management Act in relation to the
Proposed Southland Water and Land Plan

BETWEEN **SOUTHLAND FISH AND GAME COUNCIL**

Appellant

AND **SOUTHLAND REGIONAL COUNCIL**

Respondent

**NOTICE OF ALLIANCE GROUP LIMITED'S WISH TO BE
PARTY TO PROCEEDINGS PURSUANT TO
SECTION 274 RESOURCE MANAGEMENT ACT 1991**

15 June 2018

To: The Registrar
Environment Court
Christchurch

1 Alliance Group Limited ("**Alliance** ") wishes to be a party to the following proceedings:

(a) the appeal by Southland Fish and Game Council (**'the Appellant'**) to the Environment Court against the decisions of the Southland Regional Council (**'the Respondent'**) on the Proposed Southland Water and Land Plan (**'the Proposed Plan'**).

2 This notice is made upon the following grounds:

(a) Alliance submitted and further submitted on the Proposed Plan to which this appeal relates and has an interest in these proceedings that is greater than the public generally.

(b) Alliance has lodged an appeal in relation to the Proposed Plan.

3 Alliance is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 ("**the Act**" or "**the RMA**").

4 Alliance has an interest in all the proceedings.

5 Without limiting the above, Alliance is interested in the following particular issues:

(a) Objective 6

(b) Objective 7

(c) Objective 13

(d) Objective 18

(e) Policy 16A

(f) Policy 20

(g) Policy 42

(h) Policy 45

- (i) Rule 15
- (j) Appendix E

Objective 6

- 6 Alliance opposes the relief sought. The appellants relief suggests there should be no reduction in the quality of freshwater anywhere in Southland. This fails to acknowledge that there is natural variability in water quality across a range of different water bodies, estuaries and coastal lagoons. Nor does it recognise that in some circumstances it is reasonable for water quality to be influenced by discharges arising from industrial activity in the region.

Objective 7

- 7 Alliance opposes the relief sought.
- 8 The development of a Freshwater Management Unit framework will establish appropriate timeframes for phasing out any over allocation. The process proposed by the relief sought is likely to lead to ad-hoc and inconsistent assessment and determination of resource consent applications.
- 9 The National Policy Statement for Freshwater Management 2014 ('NPSFM') acknowledges that improvements in freshwater quality may take generations depending on the characteristics of each freshwater management unit. In Alliance's view, adherence to the NPSFM process is the most appropriate pathway to pursue freshwater management outcomes.

Objective 13

- 10 Alliance opposes the relief sought. Requiring activities avoid all adverse effects on the listed values would be unnecessarily prohibitive. Likewise, for requiring activities avoid all cumulative adverse effects, noting that any discharge which contributes to contaminant loading in a catchment could be having a cumulative adverse effect.

Objective 18

- 11 Alliance is concerned the reference to 'good management practices' is a vague and uncertain test for assessing the effects of discharges

and supports its deletion from Objective 18. 'Good management practices' also has the potential to be a moving target as no Schedule 1 process is required to create, update and change Good Management Practice factsheets on the Regional Council's webpage. Alliance agrees that Objective 18 should seek discharges be in accordance with the "best practicable option" which is a readily understood and more certain assessment method. However, Alliance opposes the direction to "maintain or improve ecosystems in freshwater" which is a new addition to the Objective. The NPSFW seeks to safeguard the life supporting capacity of freshwater and if reference to instream values is to be added Alliance considers the term "safeguarding the life supporting capacity of freshwater" should be used.

Policy 16A

- 12 Alliance opposes the direction to 'avoid where practicable, or otherwise remedy or mitigate' any adverse environmental effects as it represents an additional and unnecessary test for industrial and trade processes, particularly given the requirement to adopt the best practicable option to manage the treatment and discharge of contaminants.

Policy 20

- 13 Alliance opposes the direction to 'avoid where practicable, or otherwise remedy or mitigate' any adverse environmental effects as it represents an additional and unnecessary restriction on how adverse effects from the use and development of surface and groundwater resources can be managed.

Policy 42

- 14 Alliance opposes the relief sought. There may be reasons why it is not appropriate to reduce an applicant's allocable volume in an overallocated catchment. Including their relative efficiency, and the purpose for which the allocation is used. Policy 42 should not prevent this from occurring.

Policy 45

- 15 Alliance opposes the relief sought. The NPSFW acknowledges the need for a flexible framework to respond to the characteristics of each

FMU. Policy CA2(b)(ii) for example requires councils to identify FMU values that have regard to local and regional circumstances. There is no requirement for FMU objectives and policies to be more stringent than the regional provisions in every case. In fact, NPSFM Policies CA3 and CA4 freshwater objectives to be set below the national bottom line in some circumstances.

Rule 15

- 16 Alliance opposes the relief sought. Alliance opposes the use of the standards in Appendix E to determine activity status or guide assessments of whether the effects of an activity are acceptable, as those standards do not appear to have been developed having regard to natural variability nor do they appear to be based on robust assessments of existing water quality in river systems.
- 17 Additional clauses (vii) and (viii) are also not sufficiently certain for inclusion in a rule. The zone of reasonable mixing is not defined, nor is it certain what 'further reduce' means noting that any addition of contaminant loading will further reduce water quality to some extent if the discharge concentration is greater than the instream concentration, nor is it certain when the test applies noting that instream contaminant concentrations vary with time.

Appendix E

- 18 Alliance opposes the relief sought. Alliance seeks the standards in Appendix E be amended so they take appropriate account of existing land use, existing water quality and natural variability. The Fish & Game appeal provides not justification for the changes sought.
- 19 Alliance agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 15th day of June 2018



Doyle Richardson
Alliance Group Limited

Address for service of Appellant:

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DUNEDIN

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A copy of this notice has been served on the following parties:

Southland Fish and Game Council
c/- Ben Farrell, John Edmonds & Associates Limited,
PO Box 95, Queenstown,
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Southland Regional Council
c/- Kirstie Wyss, Wynn Williams & Co
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Advice

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