

In the Environment Court of New Zealand  
Christchurch Registry

I Te Koti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-2018-CHC-47**

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Under	the Resource Management Act 1991 ( <b>RMA</b> )
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 ( <b>pSWLP</b> )
Between	<b>Waihōpai Rūnaka, Hokonui Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka Aparima, and Te Rūnanga o Ngāi Tahu (collectively Ngāi Tahu)</b>
	Appellant
And	<b>Southland Regional Council (Environment Southland)</b>
	Respondent

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**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

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**Territorial Authorities' solicitors:**

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**anderson  
lloyd.**

**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:

*Waihōpai Rūnaka, Hokonui Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka Aparima, and Te Rūnanga o Ngāi Tahu (collectively Ngāi Tahu) v Southland Regional Council (ENV-2018-CHC-47)* 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 pORPS (**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



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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 – **Waihōpai Rūnaka, Hokonui Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Ōraka Aparima, and Te Rūnanga o Ngāi Tahu (collectively Ngāi Tahu)** ENV-2018-CHC-47

Part of the proceedings	Relief sought by Appellant	Issues	Support, Oppose, or Conditionally oppose	Reasons
<b>General – water quality provisions in proposed plan</b>	Maintain and improve water quality be established from when the Regional Water Plan for Southland became operative (January 2010).	<ul style="list-style-type: none"> <li>Water quality indicators to be from when the Regional Water Plan for Southland became operative.</li> </ul>	Oppose	<ul style="list-style-type: none"> <li>The proposed amendment changes the basis on which the pSWLP is drafted.</li> </ul>
<b>General – reference to "excluding ephemeral rivers" throughout proposed plan, including from Objective 16</b>	Delete text "excluding ephemeral rivers" wherever it occurs in the proposed plan.	<ul style="list-style-type: none"> <li>Deletion of text "excluding ephemeral rivers".</li> </ul>	Conditionally oppose	<ul style="list-style-type: none"> <li>This deletion does not appropriately implement the objectives and policies of the pSWLP.</li> </ul>
<b>Objective 6</b>	Remove reference to "overall" from objective.	<ul style="list-style-type: none"> <li>Deletion of the term "overall".</li> </ul>	Oppose	<ul style="list-style-type: none"> <li>The proposed change of wording could have consequences for water quality that are not consistent with the National Policy Statement for Freshwater Management 2014 (amended 2017).</li> <li>The proposed change of wording is not consistent with Objective 9B.</li> </ul>
<b>New Objective 9A</b>	Reinstate reference to managing first the needs of the surface waterbody for aquatic ecosystem health, life-supporting capacity, outstanding natural features and landscapes and natural character. The provision should then provide for the needs of people and	<ul style="list-style-type: none"> <li>Priority of water.</li> </ul>	Neutral	<ul style="list-style-type: none"> <li>The territorial authorities have an interest in any changes to the use of water.</li> </ul>

Part of the proceedings	Relief sought by Appellant	Issues	Support, Oppose, or Conditionally oppose	Reasons
	communities.			
<b>Objective 9B</b>	Delete new objective 9B	<ul style="list-style-type: none"> <li>Deletion of Objective 9B.</li> </ul>	Oppose	<ul style="list-style-type: none"> <li>The proposed deletion could have consequences for Southland's regionally significant, nationally significant and critical infrastructure.</li> <li>Removes the balance from the objective framework needed to achieve the purpose of the RMA when it comes to necessary territorial authority infrastructure.</li> </ul>
<b>Objective 13</b>	Reject changes which create three separate Objectives	<ul style="list-style-type: none"> <li>Objective 13 as notified.</li> </ul>	Conditionally oppose	<ul style="list-style-type: none"> <li>The proposed change could have consequences for Southland's land, soil and water resources.</li> </ul>
<b>Objective 18</b>	Retain the Objective as notified	<ul style="list-style-type: none"> <li>Objective 18 as notified.</li> </ul>	Conditionally oppose	<ul style="list-style-type: none"> <li>The proposed change of wording could have consequences for the objectives and policies of the pSWLP.</li> </ul>
<b>Policy 13</b>	Retain Policy 13 as drafted.	<ul style="list-style-type: none"> <li>Policy 13 as notified.</li> </ul>	Oppose	<ul style="list-style-type: none"> <li>The territorial authorities oppose any change to Policy 13B if that is intended.</li> </ul>
<b>Policy 15 and new Policies 15A, 15B and 15C</b>	Retain Policy 15 as proposed by the s42A report. Delete new Policies 15A, 15B and 15C.	<ul style="list-style-type: none"> <li>Deletion of Policies 15A, 15B and 15C.</li> </ul>	Oppose	<ul style="list-style-type: none"> <li>The proposed deletion could have consequences for water quality that are not consistent with the National Policy Statement for Freshwater Management 2014 (amended 2017).</li> <li>The proposed deletion is not</li> </ul>

Part of the proceedings	Relief sought by Appellant	Issues	Support, Oppose, or Conditionally oppose	Reasons
				consistent with the objectives of the pSWLP, particularly Objective 9B.
<b>Policy 17A (1b)</b>	Delete term 'progressively' from b.	<ul style="list-style-type: none"> <li>Deletion of the term "progressively".</li> </ul>	Conditionally oppose	<ul style="list-style-type: none"> <li>The proposed change of wording could have consequences for community sewerage schemes and onsite wastewater systems.</li> </ul>
<b>Policy 26A</b>	Delete policy 26A in its entirety.	<ul style="list-style-type: none"> <li>Deletion of Policy 26A.</li> </ul>	Oppose	<ul style="list-style-type: none"> <li>Removes the balance from the objective framework needed to implement the objectives, particularly Objective 9B, and to achieve the purpose of the RMA when it comes to necessary territorial authority infrastructure.</li> </ul>
<b>Rule 5 (a)(3)</b>	Delete the text "except for discharges from a territorial authority reticulated stormwater or wastewater system".	<ul style="list-style-type: none"> <li>Deletion of exception.</li> </ul>	Oppose	<ul style="list-style-type: none"> <li>The proposed change of wording could have consequences for reticulated stormwater and wastewater systems.</li> <li>The proposed change affects the inter-relationship of Rule 5 with other specific discharge rules such as Rules 15, 19, 26 and 33A. This change does not appropriately implement the relevant objectives and policies.</li> </ul>
<b>Rule 15</b>	Add an additional clause as follows: <u>The discharge is not into an established mātaītai or taiapure reserve.</u>	<ul style="list-style-type: none"> <li>Addition of clause.</li> </ul>	Conditionally oppose	<ul style="list-style-type: none"> <li>The additional clause is too restrictive.</li> </ul>