

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV - 2018 - CHC - 000050

UNDER the Resource Management Act 1991

A N D

IN THE MATTER of an appeal under cl 14(1) of Schedule 1 to the Act

BETWEEN **ROYAL FOREST AND BIRD PROTECTION SOCIETY OF
NEW ZEALAND INCORPORATED**

Appellant

A N D **SOUTHLAND REGIONAL COUNCIL**

Respondent

**NOTICE OF INTEREST UNDER SECTION 274
ON BEHALF OF FONTERRA CO-OPERATIVE GROUP LTD**

Solicitor acting:
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**TO: THE REGISTRAR
ENVIRONMENT COURT
CHRISTCHURCH**

FONTERRA CO-OPERATIVE GROUP LTD (Fonterra) wishes to be a party to the appeal by the Royal Forest and Bird Protection Society Incorporated (**Appeal**).

1. Fonterra made a submission and further submission about the subject matter of the Appeal.
2. Fonterra is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
3. Those parts of the Appeal in which Fonterra is interested, whether it supports or oppose those parts of the Appeal, and associated reasons, is described in Schedule 1.
4. Fonterra agrees to participate in mediation or other alternative dispute resolution of the Appeal.

FONTERRA CO-OPERATIVE GROUP LTD by its counsel:



Signature: BJ Matheson
Date: 20 June 2018

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TO: Registrar, Environment Court,
Christchurch

AND TO: Appellant

AND TO: All Parties

Advice to recipients of copy of notice of interest

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

SCHEDULE 1 - EXTENT OF INTEREST, SUPPORT/OPPOSE, AND ASSOCIATED REASONS

Extent of Interest		Support/Oppose Change	Reasons
Section of Plan	Provision to be changed		
Region-wide objectives	<ul style="list-style-type: none"> Objective 6 	<ul style="list-style-type: none"> Oppose 	<ul style="list-style-type: none"> Reference to “overall” water quality is consistent with Objective A2 of the NPSFM.
	<ul style="list-style-type: none"> Objective 9 Objective 9A Objective 9B 	<ul style="list-style-type: none"> Oppose 	<ul style="list-style-type: none"> If recreational values are reintroduced to Objective 9 the suggestion would result in recreational values (e.g. kayaking) being prioritised above social and economic needs (including, for example, water for human and animal drinking).
	<ul style="list-style-type: none"> Objective 13 Objective 13A Objective 13B 	<ul style="list-style-type: none"> Oppose 	<ul style="list-style-type: none"> The suggestion that adverse effects (or, in the alternative, significant or cumulative adverse effects) on water and associated values are to be avoided is impracticable and will not promote sustainable management.
	<ul style="list-style-type: none"> Objective 17 	<ul style="list-style-type: none"> Oppose 	<ul style="list-style-type: none"> The replacement of protection of natural character values with a requirement to “preserve” natural habitats would act to prevent any use or development and is therefore not appropriate.
Physiographic Zone Policies	<ul style="list-style-type: none"> Policies 4 -12 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> Proposed amendments to Policies 9,10 and 11 “to make dairy farming, intensive winter grazing and cultivation prohibited where these policies apply” (including through adding the further wording to not allow the continuation of existing farming activities as suggested) would have significant economic consequences and is not an efficient way to manage the effects of land use activities.
Water Quality Policies	<ul style="list-style-type: none"> Policy 13 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> Primary production is the principal user of land and water in Southland and it is appropriate that it be specifically recognised.
	<ul style="list-style-type: none"> Policy 15 (deleted) 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> A policy of avoiding discharges or land uses that reduce water quality, applies an overly strict test and creates an unrealistic policy framework.
	<ul style="list-style-type: none"> Policy 16A 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> The avoidance of all adverse environmental effects is inappropriate in the context of adopting the best practicable option to manage the treatment and discharge of contaminants derived from industrial and trade processes. The use of such terminology is also inconsistent with the equivalent policy pertaining to farming activities (Policy 16).
	<ul style="list-style-type: none"> Policy 17 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> Avoiding significant effects of agricultural effluent systems while avoiding, remedying or mitigating other adverse effects is an appropriate policy directive.
Stock Exclusion Policies	<ul style="list-style-type: none"> Policy 18 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> Infrequent flowpaths through farmland that only contain water after rainfall or extended wet periods are unlikely to support high ecological values and it is impractical to require stock exclusion from these areas that for much of the year will be indistinguishable from the surrounding farmland.
Water Quantity Policies	<ul style="list-style-type: none"> Policy 20 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> The reality is that the rules of the plan allow for resource use. That enablement in rules should be reflected in policy. Primary production is

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			<p>the principal user of land and water in Southland and it is appropriate that it be specifically recognised.</p> <ul style="list-style-type: none"> Removing the 'remedy or mitigate' and 'significant' from Policy 20 would require that <u>any</u> effects from use or development of surface or groundwater are avoided. This would create an unrealistic policy framework.
Activities that may affect water quality of quantity polices	<ul style="list-style-type: none"> Policy 28 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> Removing the 'remedy or mitigate' from Policy 28 would require that any effects from structures and bed disturbance activities were to be avoided. This would create an unrealistic policy framework.
Consideration of Resource Consent Applications	<ul style="list-style-type: none"> Policy 39 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> Fettering the statutory discretion to consider the permitted baseline is not appropriate.
Discharge Rules	<ul style="list-style-type: none"> Rule 13 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> The proposed standard is complex and impractical to measure compliance against and is not appropriate for a permitted activity rule.
	<ul style="list-style-type: none"> Rule 14 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> Infrequent flowpaths through farmland that only contain water after rainfall or extended wet periods are unlikely to support high ecological values and it is impractical to require a consent application for a non-complying activity in order to apply fertiliser to areas that for much of the year will be indistinguishable from the surrounding farmland.
	<ul style="list-style-type: none"> Rule 15 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> The inclusion of a requirement for stormwater discharge to not reduce water quality below any standards set for the waterbody in Appendix E does not recognise circumstances where the quality of the waterbody may already be below the standard downstream of the discharge.
Land Use Rules	<ul style="list-style-type: none"> Rule 20 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> Deletion of Rule 20(aa) would result in land use activities not otherwise provided for in Rule 20 (including activities with very minor and <i>de minimis</i> effects) requiring consent as non-complying activities. That would be unnecessary and inefficient. In addition, Fonterra has appealed the decisions version of Rule 20 on the basis that an exemption for ancillary farming activities occurring on its wastewater irrigation farms has not been provided. As such, Fonterra has an interest in any amendments to Rule 20 that may relate to Fonterra's appeal on this matter.
	<ul style="list-style-type: none"> Rule 24 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> The requirement for water quality not to decrease below the point of discharge implies a level of monitoring that is impractical for a permitted activity. Furthermore, the suggested conditions are unclear as they do not specify whether the requirement applies at all flows or whether an average/median approach is taken and, if so, over what time period.
	<ul style="list-style-type: none"> Rule 25 	<ul style="list-style-type: none"> oppose 	<ul style="list-style-type: none"> Requiring setbacks from ephemeral rivers as suggested is likely to be impracticable in most instances. Determining the extent of a bed of such

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			a river is not practicable and hence limits relating to that concept will likely be unworkable.
	<ul style="list-style-type: none"> • Rule 70 	<ul style="list-style-type: none"> • oppose 	<ul style="list-style-type: none"> • Infrequent flowpaths through farmland that only contain water after rainfall or extended wet periods are unlikely to support high ecological values and it is impractical to require stock exclusion from these areas that for much of the year will be indistinguishable from the surrounding farmland.