

**IN THE MATTER** of an appeal under clause 14(1) of  
the First Schedule of the Resource  
Management Act 1991

**AND IN THE MATTER OF** the Proposed Marlborough  
Environmental Plan

**BETWEEN** **Nelson Marlborough Fish and  
Game**

Appellant

**AND** **Marlborough District Council**

Respondent

**NOTICE PURSUANT TO SECTION 274  
OF THE RESOURCE MANAGEMENT ACT 1991**

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To: The Registrar  
Environment Court  
Christchurch

Federated Farmers of New Zealand (Inc) gives notice pursuant to s274 of the Resource Management Act 1991 that it wishes to appear as a party to the above proceedings.

This Notice is made upon the following grounds:

1. Federated Farmers of New Zealand (Inc) lodged a submission and Further submission to the Plan to which this appeal relates and/or has an interest in these proceedings that is greater than the public generally.
2. Federated Farmers of New Zealand (Inc) is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (the Act).

**Extent of interest**

3. Federated Farmers has an interest in the following aspect of the appeal:
  - a. **Policy 5.2.7**
    - We oppose the appellant's relief seeking to delete Policy 5.2.7. It is our view the Policy is a practical and cost-efficient mechanism for managing minimum flows outside the Plan Change process.
    - Federated Farmers does not agree with the blanket statement that changing minimum flows via a resource consent process is not consistent with Part 2 of the Act or implement the NPSFM.
  - b. **Policy 5.2.13**
    - We oppose the appellant's relief sought.
    - The appellant seeks to amend the policy to capture both new consents, and also all existing consents by way of consent review with a deadline of 2022 to complete the reviews of consents.
    - We do not support the use of s128 as a general tool for managing how minimum flows apply, as it introduces a level of uncertainty for consent holders and is inconsistent with the Newbury principles.
    - Federated Farmers seeks to retain the wording of the decisions version and apply a sinking lid policy to achieve minimum flows when replacing consents where appropriate. This approach provide surety and allows each replacement consent to be assessed on its merits.

**c. Policy 5.2.14**

- We oppose the appellant's relief.
- We consider it unwise to specify a timeframe for the full implementation of the NPSFM as extenuating issues can arise. Federated Farmers considers the process for full implementation is underway and setting a cap on the timeframes of that process could create perverse outcomes.
- We oppose the relief to remove the term '*through the resource consent process*'. Permitted activity takes can and should be able to occur within an FMU that is at or below the management flow.
- Federated Farmers prefers the wording of the decisions version.

**d. Policy 5.2.15**

- We oppose the appellant's relief a-c in their appeal point 21.
- The proposed policy wording is simply too onerous to apply in the absence of robust datasets and will force default allocation limits on most, if not all waterbodies in Marlborough.
- The suggests 2022 deadline on reviewing consents is not achievable and lacks regard for Council process or consent holders.

**e. Policy 5.2.17**

- We opposed the relief sought by the appellant.
- Federated Farmers opposes the relief that any rationing of water must be applied through resource consent conditions and applied to both new consents, and existing consents through review of consent conditions.
- We also disagree with the deadline of 2022 to complete reviews of consent conditions and consider the relief

**f. Policy 5.2.22(a)**

- We oppose the relief sought in this provision and seek to retain the decisions version wording.
- We prefer fish passage to relate solely to indigenous species. Trout are an introduced pest species that predates taonga species to extinction where access enables. Whilst s7(h) requires decision makers to have particular regard to trout and salmon habitat, it does not expressly state that includes providing access to that habitat. In any case, the protection of indigenous taonga species should prevail being a s6 matter.

- Federated Farmers opposes point (c) seeking that both the appellant and the Department of Conservation are affected parties. Any affected party consideration should be on its merits, and both agencies have failed to address the issue previously and have a conflict of interest.

g. **Policy 5.2.23**

- We oppose the relief sought in this provision and prefer the decisions version.
- As noted above, trout are a pest species which enjoys a sports fish status.
- The proposed relief by the appellant to consider the loss of indigenous biodiversity whilst having regard for trout and salmon habitat are not compatible. Indigenous biodiversity as a section 6 matter should take priority.

h. **Policy 5.2.25**

- We oppose the relief sought by the appellant.
- Federated Farmers considers this policy should relate only to new consents, and we remain opposed to consent reviews to be carried out by 2022.

i. **Policy 5.2.26**

- We oppose the relief sought by the appellant and prefer the words 'where necessary', as it provides the opportunity for Council to assess what water permits, within specific catchments or FMU's, justify review.
- The inflexibility proposed by the appellant will be a burden on ratepayers and Council staff with potentially little tangible benefit, whereas a targeted review model is more efficient.
- Federated Farmers prefers the original phrasing of the policy.

j. **Method 5.M.1**

- We oppose the relief sought and consider the existing phrasing is appropriate.
- The entire community should be able to participate in the value identification process for Policy CA1 and CA2 of the NPSFM. The appellant is part of that community and does not need any additional recognition.

- k. **Policy 5.4.2**
- We oppose the relief sought and prefer the existing wording of the policy.
  - The frequency of opportunities to take water is often sporadic where a consent is rarely exercised. Given the water is unutilised and only occasional, it is inefficient to force permit holders to renew permits with great frequency.
  - Every consent application should be assessed on their merits, and a term of consent commensurate with the science and take should be applied. To apply a fixed term without reason is unhelpful to consent holders and Council resources.
- l. **Appeal point 44**
- We oppose the relief sought.
  - Federated Farmers considers there is no policy gap as suggested, and we do not agree that the Plan fails to give effect to the NPSFM and Part 2.
- m. **Method 15.M.25**
- Federated Farmers oppose the relief sought and prefers the wording in the decisions version.
  - A water quality management plan is a tool for landowners to manage their land. It does not stand in for a resource consent but provides an array of site-specific information to better understand land use.
  - We do not consider a water quality management plan is required as part of the consenting process.
- n. **Permitted Activity Rules 2.2.18 and 2.2.19, and related permitted activity standards 2.3.17 and 2.3.18**
- We oppose the relief sought.
  - The proposed relief is ultra vires.
- o. **Permitted Activity Rule 2.7.6**
- We oppose the relief sought.
- p. **Permitted activity rules 21.1.7, 21.1.8 and 21.1.9, and permitted activity standards 21.3.7, 21.3.8 and 21.3.9**
- We oppose the relief sought on the basis the relief is ultra vires.

4. Federated Farmers of New Zealand (Inc) agrees to attend mediation and/or dispute resolution in regard to these proceedings.

Dated the 4<sup>th</sup> of June 2020

A handwritten signature in black ink, appearing to read 'K Reilly', written over a horizontal line.

Kim Reilly  
South Island Regional Policy Manager  
Federated Farmers of New Zealand (Inc)