

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**ENV-2020-CHC-35**

**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 1991  
in relation to the Proposed Marlborough  
Environment Plan

**BETWEEN** **NELSON-MARLBOROUGH FISH AND GAME  
COUNCIL**  
Appellant

**AND** **MARLBOROUGH DISTRICT COUNCIL**  
Respondent

---

**NOTICE OF RAVENSDOWN LIMITED'S  
WISH TO BE A PARTY TO PROCEEDINGS PURSUANT TO  
SECTION 274 OF THE RESOURCE MANAGEMENT ACT 1991**

---

**NATURAL RESOURCES LAW LIMITED**

Solicitor: M R Christensen  
(mark@naturalresourceslaw.co.nz)

PO Box 6643  
Upper Riccarton  
CHRISTCHURCH 8442  
Tel: 0274 878611

**To:** The Register  
Environment Court  
Christchurch

1. Ravensdown Limited (**Ravensdown**) wishes to be a party an appeal by Nelson-Marlborough Fish and Game Council (**Fish and Game**) under clause 14(1) of the First Schedule of the Resource Management Act 1991 (**RMA**) in relation to the Respondent's decisions on the Proposed Marlborough Environment Plan (**PMEP**).
2. This notice is made as Ravensdown submitted and further submitted on the provisions of the PMEP to which this appeal relates.
3. Ravensdown is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
4. Ravensdown has an interest in the following parts of the proceedings:
  - (a) Objectives 15.1c to 15.1e;
  - (b) Policy 15.1.2;
  - (c) Additional policy for intensive farming; and
  - (d) Appendix 5.
5. **Objective 15.1**
  - 5.1 The decisions version of Objectives 15.1c to 15.1e reads:

**Objective 15.1c**  
*Maintain freshwater water quality in each Freshwater Management Unit so that the annual median ammonia concentration is  $\leq 0.03$  milligrams ammoniacal nitrogen per litre and the annual maximum concentration is  $\leq 0.05$  milligrams ammoniacal nitrogen per litre, as measured by the Council's State of the Environment monitoring programme.*

**Objective 15.1d**  
*Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the annual median E. coli level is  $\leq 260$  per 100 ml, as measured by the Council's State of the Environment monitoring programme.*

**Objective 15.1e**  
*Maintain or enhance freshwater water quality in waterbodies valued for primary contact recreation so that the 95th percentile E. coli level is  $< 540$  per 100 ml, as measured by the Council's State of the Environment monitoring programme.*
  - 5.2 Fish and Game have appealed<sup>1</sup> Objectives 15.1c to 15.1(e) seeking amendments that:
    - (a) identify the limits contained in these objectives are "interim" limits that apply until completion of full National Policy Statement for Freshwater Management 2014 (amended 2017) (**NPS-FM**) limit setting process;
    - (b) set out the intended timeframe for full implementation of the NPS-FM; and

---

<sup>1</sup> At paragraph 39 of Fish and Game's Notice of Appeal.

(c) a table of limits is used to avoid repetition within the objectives (with consequential deletion of each objective).

5.3 Ravensdown in its submissions<sup>2</sup> supported Objectives 15.1c to 15.1e, but requested amendments that were not pursued at the hearing.

5.4 Ravensdown did not appeal the decisions version of Objectives 15.1c to 15.1e as they reflected the outcomes sought by Ravensdown during the hearings. Therefore, Ravensdown opposes the relief being sought by Fish and Game.

## 6. **Policy 15.1.2**

6.1 The decisions version of Policy 15.1.2 reads:

### ***Policy 15.1.2***

*Apply water quality classifications (and water quality standards) to all surface water, groundwater and coastal water resources, which reflect:*

*(a) the management purposes specified in Policy 15.1.1; and*

*(b) other uses and values, including the values of Marlborough's tangata whenua iwi, supported by the waterbody or coastal waters; or*

*(c) where water quality has already been degraded, the uses and values that are to be restored.*

6.2 Fish and Game have appealed<sup>3</sup> Policy 15.1.2 seeking that it be removed in its entirety and replaced with a policy that reflects the NPS-FM requirements to maintain water quality at its current level in rivers and enhance where degraded. The appeal also seeks that the policy refers to the NPS-FM "water quality standards", rather than utilising those in Schedule 3 of the RMA.

6.3 Ravensdown in its submission<sup>4</sup> supported Policy 15.1.2 but requested an amendment that was not pursued at the hearing.

6.4 Ravensdown did not appeal the decisions version of Policy 15.1.2 as it reflected the outcomes sought by Ravensdown during the hearings. In addition, Ravensdown recognises, as identified within the PMEP, that Marlborough District Council (**Council**) are proposing to implement the NPS-FM, in accordance with its staged implementation programme, by 2024, not through the decisions version of the PMEP. Therefore, Ravensdown opposes the relief being sought by Fish and Game.

## 7. **Additional Policy for Intensive Farming**

7.1 Fish and Game are seeking an additional policy<sup>5</sup> which outlines controls on intensive agriculture in catchments subject to poor water quality or at risk of water quality degradation. Fish and Game consider that the policy is needed to address a policy gap and to implement the NPS-FM and give effect to Part 2 of the RMA.

7.2 Ravensdown did not appeal the PMEP on the basis that the PMEP was appropriately balanced, including in relation to the policies and regulation that applied to intensive agriculture, and provided for the sustainable management of the district's resources.

---

<sup>2</sup> Submission points 1090.30 to 1090.32.

<sup>3</sup> At paragraph 41 of Fish and Game's Notice of Appeal.

<sup>4</sup> Submission point 1090.33.

<sup>5</sup> At paragraph 44 of Fish and Game's Notice of Appeal.

In reaching this conclusion, it was also recognised by Ravensdown that future plan changes will be notified in order to implement the requirements of the NPS-FM. For these reasons, Ravensdown opposes the relief being sought by Fish and Game.

8. **Appendix 5**
9. The decisions version of Appendix 5 lists the district's 'water resource units' and identifies the values associated with each unit and the water quality classifications, generally using Schedule 3 of the RMA, that applies to each unit.
10. Fish and Game appealed<sup>6</sup> Appendix 5 for the following reasons:
  - (a) the water quality classifications in Schedule 1 of Appendix 5 are contrary to NPS-FM 'standards';
  - (b) the classifications should be updated to reflect NPS-FM 'standards';
  - (c) water quality investigations have not occurred in relation to NPS-FM values;
  - (d) there are also inconsistencies between some of the standards; and
  - (e) the Macroinvertebrate Community Index standards in effect allow for lowering water quality across the region.
11. Ravensdown in a further submission<sup>7</sup> supported Appendix 5 subject to clarification that these will be subject to review as part of catchment specific limit setting processes (under the NPS-FM).
12. Ravensdown did not appeal the decisions version of Appendix 5 as it was considered that the appendix reflected the outcome sought through its further submission and the presentation of evidence and written statements to the Hearing Panel. Ravensdown therefore opposes the relief sought by Fish and Game.
13. Ravensdown agree to participate in mediation or alternative dispute resolution of the proceedings.



**Mark Christensen**  
Counsel for Ravensdown Limited

Dated: 5 June 2020

---

<sup>6</sup> At paragraph 49 of Fish and Game's Notice of Appeal.

<sup>7</sup> Further submission in support of a Federated Farmers submission point (425.772).

**Address for service:**

Natural Resources Law Limited  
PO Box 6643  
Upper Riccarton  
CHRISTCHURCH 8442  
Attention: M R Christensen  
Email: [mark@naturalresourceslaw.co.nz](mailto:mark@naturalresourceslaw.co.nz)

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

Nelson-Marlborough Fish and Game Council  
C/o 66/74 Champion Road  
Stoke  
NELSON 7020  
Attention: Rhys Barrier (Manager) and Peter Wilson  
Emails: [rbarrier@fishandgame.org.nz](mailto:rbarrier@fishandgame.org.nz) and [pwilson@fishandgame.org.nz](mailto:pwilson@fishandgame.org.nz)

Marlborough District Council  
PO Box 443  
BLENHEIM 7240  
Attention: Kaye McIlveney (Council Solicitor)  
Email: [kaye.mcllveney@marlborough.govt.nz](mailto:kaye.mcllveney@marlborough.govt.nz)