

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2020-CHC-67

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 **ENVIRONMENTAL DEFENCE SOCIETY
INCORPORATED**
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

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To: The Register
Environment Court
Christchurch

1. Ravensdown Limited (**Ravensdown**) wishes to be a party an appeal by Environmental Defence Society Incorporated (**EDS**) 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) Proposed New Objective 15.1;
 - (b) Policy 15.1.3;
 - (c) Policy 15.1.27;
 - (d) Policy 15.1.34; and
 - (e) New rules to manage diffuse discharges from farming.

5 Proposed New Objective 15.1

- 5.1 EDS are seeking to include a new Objective 15.1 containing phosphorus and suspended/deposited sediment limits, in accordance with the Freshwater Science and Technical Advisory Group Report to the Minister for the Environment dated June 2019.
- 5.2 Ravensdown in its submission¹ supported Objectives 15.1a to 15.1e, but requested an amendment that was not pursued at the hearing.
- 5.3 Ravensdown did not appeal the decisions version of Objectives 15.1a to 15.1e as they reflected the outcomes sought by Ravensdown during the hearings. Therefore, Ravensdown opposes the relief being sought by EDS.

6 Policy 15.1.3

- 6.1 The decisions version of Policy 15.1.3 reads:

Policy 15.1.3

To investigate the capacity of fresh waterbodies to receive contaminants from all sources, having regard to the management purposes established by Policy 15.1.1 in order to establish cumulative contaminant limits by 2024.

- 6.2 EDS have opposed Policy 15.1.3 because they consider that the Marlborough District Council (**Council**) cannot postpone its function to safeguard ecosystem health when it

¹ Submission points 1090.28 to 1090.32.

is known that many waterbodies are degraded and what the activities contributing to that degradation are. On this basis, EDS considers that the PMP should identify and include interim cumulative limits to ensure that contaminants are appropriately managed until completion of the Freshwater Management Unit (FMU) value and limit setting process is completed in accordance with the National Policy Statement for Freshwater Management 2014 (amended 2017) (NPS-FM) (or whenever these provisions are eventually made operative). EDS are therefore seeking interim limits, including loads for nitrogen and phosphorus.

- 6.3 Ravensdown in its submission² supported Policy 15.1.3 and requested its retention. The PMP decisions version retains Policy 15.1.3 as notified, which is consistent with Ravensdown's submission.
- 6.4 In hearing evidence³, in response to comments contained in the section 42A Report, Ravensdown acknowledged the fact that Council considered that it did not currently have available sufficient technical information for the setting of various limits. Rather, the information was to be gathered, as stated in this policy, in time for the proposed staged programme for implementing the NPS-FM (i.e., by 2024). As Council have outlined a process for implementing the NPS-FM, including the identification and setting of appropriate limits, Ravensdown opposes the relief being sought by EDS.
- 6.5 Ravensdown also opposes related and consequential amendments to policies, including but not limited to Policies 15.1.10 to 15.1.12⁴, being sought by EDS to accommodate EDS's proposal to include interim cumulative limits, and loads, within the PMP.

7 Policy 15.1.25

- 7.1 The decisions versions of Policy 15.1.25 reads:

Policy 15.1.25

Recognise that, in many situations, non-regulatory methods will be an effective method of managing the adverse effects of non-point source discharges.

- 7.2 EDS have appealed Policy 15.1.25. The reasons for the appeal arises from EDS's appeal points seeking the use of interim limits until a FMU value and limit process is complete. On this context, EDS considers that this policy should identify non-regulatory methods as a tool, but not to set up a preference for their use as EDS asserts is currently inferred. Accordingly, EDS have sought the following change to Policy 15.1.25:

Policy 15.1.25

Recognise that, in many situations, non-regulatory methods ~~will~~ may be an effective method of managing the adverse effects of non-point source discharges.

² Submission point 1090.34.

³ Paragraph 3.7 in the Statement of Evidence of Carmen Wendy Taylor dated 27 August 2018 for Hearing Block Eight: Topic 14 (Waste and Discharges to Land).

⁴ Ravensdown further submitted, in opposition, on EDS's submissions on Policies 15.1.10 to 15.1.12 (EDS submission points 698.100 to 698.102).

7.3 In its submission⁵ Ravensdown supported the intent of the policy as it represented sound resource management practice and for this reason sought no changes to the policy. The PMEP decisions version retains Policy 15.1.25 as notified, which is consistent with Ravensdown's submission. Given Ravensdown's support for the policy, and given Ravensdown's opposition to EDS's proposal to establish interim limits prior to an FMU process taking place, Ravensdown opposes the relief being sought by EDS.

8 Policy 15.1.34

8.1 The decisions version of Policy 15.1.34 reads:

Policy 15.1.34

Approve land use consent applications for new dairy farms where the proposed farming would have no more than minor adverse effects on ground or surface water quality or on significant wetlands. A land use consent application must identify the risks of new dairy farming and provide measures to address those risks, including as a minimum:

- (a) measures (including fences, bridges or culverts) to prevent stock entering onto or passing across the bed of any river or lake, significant wetland, or any drain or the Drainage Channel Network;*
- (b) provision of an appropriate, non-grazed buffer along the margins of any river, lake, significant wetland, drain or the Drainage Channel Network, to intercept the run-off of contaminants from grazed pasture, with reference to the values of fresh waterbodies as identified in Appendix 5;*
- (c) provision for storage of dairy effluent, with all storage ponds sufficiently sized to enable deferral of application to land until soil conditions are such that surface run-off and/or drainage do not occur;*
- (d) demonstration of appropriate separation distances between effluent storage ponds and any surface waterbodies to ensure contamination of water does not occur (including during flood events); and*
- (e) a nutrient management plan that includes nutrient inputs from dairy effluent, animal discharges, fertiliser and any other nutrient input.*

8.2 EDS have appealed Policy 15.1.34 as they consider that the information requirements to demonstrate new dairy farming will not have more than minor adverse effects are inadequate, including in light of EDS's appeal to include interim limits in the PMEP. EDS have sought the following changes to the policy:

Policy 15.1.34

Approve land use consent applications ... A land use consent application must identify (as part of and in combination with the requirements in Schedule 1 RMA) the risks of new dairy farming and provide measures to address those risks, including as a minimum:

...

- (e) a nutrient management plan that includes nutrient inputs/outputs from dairy effluent, animal discharges, fertiliser and any other nutrient input/output.*
- (f) assessment of the effects of any discharges, in combination with all other discharges to the FMU on the receiving environment and identifying how and why the adverse effects are no more than minor; and*

⁵ Submission point 1090.41.

(g) measures in place to ensure that leaching limits/loads are met.

8.3 While Ravensdown's submission⁶ sought changes to the policy, in a written statement to the Hearings Panel retention of the policy as notified was requested. Given Ravensdown's support for the policy, and given Ravensdown's opposition to EDS's proposal to establish interim limits prior to an FMU process taking place, Ravensdown opposes the relief being sought by EDS.

9 New Rules to Manage Diffuse Discharges

9.1 EDS are seeking new rules to ensure diffuse discharges of contaminants are managed to maintain Water Resource Unit Values & Water Quality Classification Standards or Objectives 15.1a to 15.1e. They have provided no details of these rules.

9.2 Ravensdown did not appeal the decisions version of the PMEP as it was considered that the PMEP reflected the outcomes sought through submissions and the presentation of evidence and written statements to the Hearings Panel. Ravensdown therefore opposes the relief being sought by EDS.

10 Ravensdown agrees to participate in mediation or alternative dispute resolution of the proceedings.



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Dated: 5 June 2020

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⁶ Submission point 1090.45)

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

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Marlborough District Council
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BLENHEIM 7240
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