

**BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON  
I MUA I TE KOOTI TAIAO O AOTEAROA  
TE WHANGANUI-Ā- TARA ROHE**

**ENV-2019-WLG-130**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

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

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

Appellant

**AND** **WELLINGTON REGIONAL COUNCIL**

Respondent

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**NOTICE OF BEEF+LAMB NEW ZEALAND LIMITED'S WISH TO BE A  
PARTY TO PROCEEDINGS  
12 December 2019**

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**TO:** The Registrar  
Environment Court  
Wellington

1. Beef+Lamb New Zealand Ltd (B+LNZ) wishes to be a party to the following proceedings:

*Royal Forest & Bird Protection Society of New Zealand Incorporated v Wellington Regional Council*  
ENV-2019-WLG-130.

2. B+LNZ made a submission about the subject matter of the proceedings.
3. B+LNZ has an interest in the proceedings that is greater than the interest that the general public has because:
  - (a) The proceedings seek relief that will impact on the natural and physical resources of the region.
  - (b) B+LNZ is a farmer-owned, industry organisation that represents New Zealand's sheep and beef farmers, funded through a levy paid by all beef and sheep meat producers under the Commodity Levies Act 1990.
  - (c) B+LNZ are a representative body that promote sustainable farming practices and develop and implement programmes aimed at improving farming systems.
  - (d) The Appeal will impact farmers who B+LNZ represent and who rely on natural and physical resources to provide for their health and well-being.
4. B+LNZ is not a trade competitor for the purposes of s 308C or 308A of the Resource Management Act 1991.
5. B+LNZ is interested in part of the proceedings.
6. B+LNZ is interested in the following particular issues:
  - (a) The effect the relief sought will have on the nutrient allocation framework in the Proposed Plan, including plan definitions, O25 and its supporting

tables and any other objectives that link or may link to freshwater objectives and targets, including, but not limited to, O17 and O19 and relevant definitions.

- (b) Policies and rules that implement the objectives relating to the allocation of nutrients, including O25 and its supporting tables and any other objectives that link or may link to freshwater objectives and targets, including, but not limited to, O17 and O19.
- (c) The inclusion and/or retention of numeric attributes and freshwater objectives in the Proposed Plan, including for nitrogen (e.g. DIN or TN) and the Macroinvertebrate Community Index.
- (d) The cumulative effects of discharges, particularly diffuse discharges from agriculture.
- (e) The mitigation hierarchy in the Proposed Plan, insofar as the relevant provisions, including, but not limited to, policies P32 and P41 and relevant definitions, give effect to and implement (as appropriate) freshwater objectives.
- (f) The inclusion of limits, as defined in the NPSFM, in the Proposed Plan's policy framework and the inclusion of a mitigation hierarchy when assessing and considering, inter alia, biodiversity.
- (g) Regulation of stock access to waterways.

7. B+LNZ conditionally supports some relief sought and opposes some relief sought because and to the extent that:

*Nutrient Allocation Framework*

- (a) B+LNZ supports the inclusion of numeric attributes to the extent they are supportable scientifically and can reliably support freshwater objectives created in accordance with the NPSFM.
- (b) B+LNZ support the inclusion of, inter alia:

- i. Macroinvertebrate Community Index freshwater objectives as a measure of ecosystem health for lakes, wetlands, streams and rivers;
- ii. Nitrate freshwater objectives for groundwater; and
- iii. Periphyton freshwater objectives to manage and measure nitrogen for lakes, wetlands, streams and rivers.

However, the freshwater objectives should seek to maintain current water quality state where appropriate and to improve water quality where required, as identified in the whitua process. B+LNZ opposes any relief sought by the Appellant that seeks numeric or narrative freshwater objectives requiring improvement from current state of water quality where the life supporting capacity and ecosystem health and processes are already provided for in accordance with national bottom lines.

- (c) B+LNZ does not oppose, where appropriate, the establishment of narrative freshwater objectives.
- (d) B+LNZ does not oppose, where appropriate, the establishment of a mitigation hierarchy in the Proposed Plan insofar as it is consistent with the relief sought in B+LNZ's appeal and its position as set out above.
- (e) B+LNZ does not oppose the inclusion of limits in the Proposed Plan, insofar as those limits are consistent with the relief sought in B+LNZ's appeal and its position as set out above.
- (f) B+LNZ supports the restoration and rehabilitation of the natural character of freshwater bodies where degraded. B+LNZ opposes any relief that requires improvement where natural character is not degraded.

*Policies P65 and P95 and Rule R98*

- (g) B+LNZ does not oppose provisions that are efficient and effective and commensurate with the cost of compliance with e.g. rules that implement policies.

- (h) It is inappropriate to manage rural discharges in the same or similar way to point source discharges where freshwater objectives are not being met.
- (i) The relief sought fails to recognise that different activities have different effects. Managing, rural activities on the basis of any contribution to cumulative effects, no matter how minor, is inefficient and ineffective regulation.
- (j) Any provisions should provide for effects-based regulation that, particularly, recognises the differences in effects from different types of livestock.
- (k) B+LNZ opposes non complying activity status for livestock access to surface water bodies under R98 as inappropriate.

*General*

- (l) Any relief granted should be the most appropriate way to achieve the purpose of the Act, give effect to the New Zealand Coastal Policy Statement, relevant national policy statements and Regional Policy Statement and implement the objectives and policies of the Proposed Plan, including by supporting and providing for a sustainable and strong rural sector in the Greater Wellington Region.
  - (m) To the extent the relief sought when further particularised does not achieve the outcomes described above, B+LNZ opposes the relief sought.
8. B+LNZ agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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CP Thomsen  
Counsel for s 274 party  
Beef+Lamb New Zealand Ltd  
4 December 2019

This notice was filed by **CHRISTOPHER PAUL THOMSEN**, solicitor for the party of the firm Fletcher Vautier Moore. The address for service of the above-named party is at the offices of Fletcher Vautier Moore, Solicitors, 265A Queen Street, Richmond, Nelson.

Documents for service on the party may be:

- (a) Posted to the solicitor at Fletcher Vautier Moore, Solicitors, P O Box 3029, Richmond, Nelson; or
- (b) Left for the solicitor at a document exchange for direction to DX WC71017, Richmond, Nelson; or
- (c) Transmitted to the solicitor by facsimile to (03) 543 8302 provided original documents are then posted to the solicitor; or
- (d) Sent by email to [cthomsen@fvm.co.nz](mailto:cthomsen@fvm.co.nz) provided original documents are then posted to the solicitor.

*Advice*

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