

In the Environment Court of New Zealand  
Christchurch Registry

I Te Koti Taiao o Aotearoa  
Ōtautahi Rohe

**ENV-2018-CHC-26 to 50**

Under the Resource Management Act 1991 (**RMA**)

In the matter of appeals under clause 14 of Schedule 1 of the RMA relating to the proposed Southland Water and Land Plan (**pSWLP**)

Between **Gore District Council, Southland District Council and Invercargill City Council (TLAs)**

Appellants in ENV-2018-CHC-31, and section 274 party to appeals: ENV-2018-CHC-37 Southland Fish & Game Council; ENV-2018-CHC-39 Alliance Group Limited; ENV-2018-CHC-40 Federated Farmers of New Zealand; ENV-2018-CHC-50 Royal Forest and Bird Protection Society of New Zealand; ENV-2018-CHC-41 Heritage New Zealand Pouhere Taonga; ENV-2018-CHC-47 Te Rūnanga o Ngāi Tahu, Hokonui Rūnaka, Waihopai Rūnaka, Te Rūnanga o Awarua & Te Rūnanga o Oraka Aparima

And **Southland Regional Council (Environment Southland)**  
Respondent

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**Will Say statement of Janan Dunning**

**29 October 2021**

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**Appellants' solicitor:**

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**anderson  
lloyd.**

## **Introduction**

- 1 My full name is Janan Saul Dunning.
- 2 I am a Principal Planner with Stantec New Zealand.
- 3 My qualifications and experience are set out in my evidence in chief dated 22 March 2019 on behalf of the Gore District Council, the Southland District Council and the Invercargill City Council (the TLAs).
- 4 I confirm that I have read the Code of Conduct for expert witnesses in the Environment Court's Practice Note 2014. I confirm that I have complied with the practice note when preparing this statement and the opinions I express are within my area of expertise and are my own unless stated otherwise. I have not omitted to consider any material facts known to me that might alter or detract from the opinions I express.

## **Scope of brief**

- 5 The Court's Record of Pre-Hearing Conference Timetable Direction for Topic B issued 22 October 2021 directed witnesses to prepare will-say statements in respect of the Topic B matters remaining unresolved. The remaining matter of interest to the TLAs is limited to Policy 15A, 15B and 15C, specifically Issues 6 – 9 of Topic B as set out in Appendix B – *unresolved issues*, of the Memorandum of Counsel dated 24 September 2021. Accordingly the scope of my Will Say statement is limited to the issues that relate to those policies.

## **Summary**

- 6 I support the amendments to Policies 15A, 15B and 15C as reached in mediation on 31 March and 1 April 2021. I consider that the changes improve the clarity of the policies, and better define their scope and purpose. As a result, implementing the policies will better achieve Objectives 2, 4, 6 and 15 of the pSWLP, and the relevant provisions of the National Policy Statement for Freshwater Management 2020 in respect of maintaining water and sediment quality which meets specified standards, and improving water and sediment quality which does not.
- 7 Specifically:
  - (a) Policy 15A now more clearly articulates its purpose to maintain water and sediment quality in waterbodies that currently meet the Appendix E and ANZECC sediment standards.

- (b) The amendments to Policy 15B(1) clarify that new point source discharges to waterbodies that do not meet the Appendix E or ANZECC sediment standards need to be avoided if they will further degrade water quality beyond the zone of reasonable mixing.
  - (c) The insertion of Policy 15B(1a) directs that 'other new discharges' (such as non-point source discharges) must avoid, remedy or mitigate any adverse effects that further reduce the quality of a waterbody that does not currently meet the Appendix E or ANZECC sediment standards. Previously these types of discharges were not addressed through the policy framework.
  - (d) Policy 15B(2) provides for existing discharge permits to be replaced where it can be demonstrated that changes can be made to help meet Appendix E or ANZECC sediment standards. The mediated changes clarify the policy.
  - (e) I support the deletion of Policy 15C as proposed in mediation, as it will be redundant following the establishment of freshwater objectives and limits through the FMU process.
- 8 The changes to the policies also improve consistency with other provisions in the pSWLP and alignment with the interpretation statement at the start of the Region-wide Objectives that was introduced through the Second Interim Decision.



**Janan Dunning**

29 October 2021