

BEFORE THE ENVIRONMENT COURT

I MUA I TE KOOTI TAIAO O AOTEAROA

AT CHRISTCHURCH

ENV – 2018 – CHC – 00029

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 Act in relation to the Proposed Southland Water and
Land Plan

BETWEEN

Aratiatia Livestock Limited

Appellant

AND

Southland Regional Council

Respondent

NOTICE OF WISH OF DIRECTOR-GENERAL OF CONSERVATION

TO BECOME A PARTY TO PROCEEDINGS

Section 274 Resource Management Act 1991

Department of Conservation

Planning, Permissions and Land

Department of Conservation

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Solicitor: Pene Williams

To: The Registrar
 Environment Court
 Christchurch

1. I, Lou Sanson, Director-General of Conservation (the Director-General) wish to be a party to an appeal against part of the decision of the Southland Regional Council on the Proposed Southland Water and Land Plan (the proposed Plan) by Aratiatia Livestock Ltd (the appellant), ENV – 2018 – CHC – 000029 (the notice).
2. I made a submission and further submission on the proposed Plan¹, in particular Objective 10², Rules 20³ and 52⁴, and Appendix E⁵.
3. I am not a trade competitor for the purposes of section 308C or section 308CA of the Resource Management Act 1991 (RMA).
4. I am interested in part of the appeal.
5. My interests are as follows:

Provisions governing farming practices

Rule 20 – Farming

- 5.1. In paragraphs 5(a) and 6(b) – (f) of the notice, the appellant appeals part of the decision dealing with Rule 20 as the appellant considers the Rule is impractical and an unnecessary constraint on farming practices.
- 5.2. The appellant seeks to amend Rule 20(a)(iii)(3)(D) to allow supplementary feeding certain circumstances.

Provisions regarding the Manapōuri Hydro-electric Generation Scheme

Objective 10

- 5.3. In paragraphs 5(b) and 6(g) – (q) of the notice, the appellant appeals that part of the decision dealing with Objective 10 as the appellant considers the decision effectively entrenches the existing consents in relation to the Manapōuri Hydro-

¹ Submitter Number 210

² Submission Point 210.31 and Further Submissions Meridian Energy Ltd 562.1 and Southland Fish and Game 752.26.

³ Submission Points 210.82, 210.83, 210.84, 210.85 and Further submissions Environment Southland 247.9, Southland Fish and Game Council 752.112, 752.116 and Nga Runanga and TRONT 797.40

⁴ Further submission on Meridian Energy Ltd 562.15

⁵ Further submissions on Dairy NZ 190.21, Fonterra 277.57, Meridian Energy 562.26, Southland Conservation Board 749.78 Southland Fish and Game Council 152.180

electric Generation Scheme (Manapōuri scheme) in the Waiau Catchment including by removing the obligation of Council to assess the appropriateness of renewing such consents or significantly reducing the extent of water take or diversion.

- 5.4 The appellant seeks relief that the decision version of the Objective be deleted, and the notified Objective 10 be reinstated.

Rule 52 – Water abstraction, damming, diversion and use from the Waiau catchment, and new Rule 52A – Manapōuri Hydro-electric Generation Scheme

- 5.5 In paragraphs 5(d) and 6(g) – (q) of the notice, the appellant also appeals the decision on Rule 52 and new Rule 52A inserted by the decision.
- 5.6 The appellant seeks as relief the deletion of Rule 52A (providing that certain new consents for the same activity for the Manapōuri scheme as a controlled activity). The appellant further seeks to amend Rule 52 so that proposals for the same activity for the Manapōuri scheme are considered as a discretionary activity if the proposal complies with all relevant standards and a non-complying activity if the proposal does not comply with those standards.

Appendix E – Receiving Water Quality Standards

- 5.7 With regard to Appendix E, the appellant seeks the deletion of the provision stating that parts of the standards do not apply where due to effects from the operation of the Manapōuri scheme the standards are not met.
- 6 I oppose the relief sought by the appellant for Rule 20 – Farming. My reasons for opposing this part of the appeal are:
- 6.1 The relief sought by the appellant for Rule 20(a)(iii)(3)(D) does not provide certainty that water quality will be maintained or improved.
- 6.2 The relief sought by the appellant:
- 6.2.1 fails to give effect to the National Policy Statement for Freshwater Management 2014 (as amended 2017) (NPSFM) as required by section 67(3) in particular: Objective A1, Objective A2, and Policy A1.
- 6.2.2 in the coastal environment, fails to give effect to the New Zealand Coastal Policy Statement 2010 (NZCPS) as required by section 67(3) of

the RMA, in particular: Objective 1 and 7, and Policies 3, 5, 11, 13, 21 and 23.

- 6.2.3 fails to give effect to the Southland Regional Policy Statement 2017 (SRPS) as required by section 67(3) of the RMA in particular: Objective WQUAL.1, Objective WQUAL.2, Policy WQUAL.2.

7 I support the relief sought by the appellant in the notice with respect to Objective 10, Rules 52 and 52A, and Appendix E. My reasons for supporting the relief sought are as follows:

Objective 10

7.1 The relief sought by the appellant is:

- 7.1.1 consistent with the Manapōuri-Te Anau Development Act 1963;
- 7.1.2 recognises the significant adverse effects of the Manapōuri Power Scheme on the Waiau River freshwater ecosystems, the lower Waiau River and its adjacent wetlands and on the water quality of the Lower Waiau River Catchment and the coastal environment;
- 7.1.3 consistent with Part 2 of the RMA by achieving the sustainable management purpose in section 5; and recognizes and provide for matters of national importance including: section 6(a) natural character of wetlands, lakes, rivers and coastal environment and their margins, section 6(b) outstanding landscapes and natural features, and section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- 7.1.4 gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objectives A1, and Objectives B1, B2, B4, and B5 and Policies B1, and B5.
- 7.1.5 gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1, WQUAL.3, WQUAN.1, and WQUAN.2; and Policies WQUAL.1, WQUAL.6, WQUAN.1 WQUAN.2, WQUAN.7 and WQUAN.8.

Rules 52 and 52A

7.2 The relief sought by the appellant is:

- 7.2.1 supported as appropriately recognises the national importance of the Manapōuri Scheme but also recognises its significant adverse effects on the Waiau Catchment.
- 7.2.2 consistent with the Manapōuri-Te Anau Development Act 1963.
- 7.2.3 gives effect to the SRPS as required by section 67(3) in particular: Method WQUAN.1.

Appendix E – Receiving Water Quality Standards

- 7.3 The relief sought by the appellant is supported as it:
 - 7.3.1 is inappropriate that the operation of the Manapōuri Scheme be exempted from meeting the water quality standards in the proposed Plan.
 - 7.3.2 is consistent with the Manapōuri-Te Anau Development Act 1963;
 - 7.3.3 is consistent with the RMA, Part 2 by achieving the sustainable management purpose in section 5; and section 6(a), section 6(b), section 6(c) and section 6(d).
 - 7.3.4 gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objectives A1.
 - 7.3.5 gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1, WQUAL.3 and Policies WQUAL.1, WQUAL.3, WQUAL.6 and WQUAL.12.

8 I agree to participate in mediation or other alternative dispute resolution of the appeal.

Dated the 22nd of June 2018



Aaron Fleming, Director Operations, Southern South Island Region

Pursuant to delegated authority from the Director-General of Conservation⁶

⁶ A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18-32 Manners Street, Wellington 6011

Address for service of interested party:

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