

BEFORE THE ENVIRONMENT COURT

I MUA I TE KOOTI TAIAO O AOTEAROA

AT CHRISTCHURCH

ENV – 2018 – CHC – 000050

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

Royal Forest and Bird Society of New Zealand Inc.
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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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 Royal Forest and Bird Society of New Zealand Inc. (the appellant), ENV – 2018 – CHC – 000050 (the notice).
2. I made a submission¹, and further submission on the proposed Plan. The details of my submission and further submission where these are relevant to the notice are set out in Appendix 1, Table 2.
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. Where I have an interest in the appeal, I support the appeal and the relief sought by the appellant.
6. The parts of the appeal where I have an interest and my reasons for supporting the appeal and the relief sought are set out in Table 1 as follows:

Table 1

Part of Decision Appealed	Reasons for supporting relief sought
Objective 6	<p>This will give effect to the National Policy Statement for Freshwater Management 2014 (as amended 2017) (NPSFM) in particular: Objectives A1 and A2.</p> <p>In the coastal environment this gives effect to the New Zealand Coastal Policy Statement 2010 (NZCPS) in particular: Objectives 1 and 7, and Policies 3, 5, 11, 13, 21 and 23.</p> <p>This will give effect to the Southland Regional Policy Statement 2017 (SRPS) in particular: Objective WQUAL.1 and Policies WQUAL.1 and WQUAL.5.</p>

¹ Submitter Number 210
SAR-04-83-117 Royal Forest and Bird Society of New Zealand - proposed Southland Water and Land Plan - s274 joining

<p>Objective 9 New Objective 9A New Objective 9B</p>	<p>This will give effect to the NPSFM, in particular: Objectives A4 and B5, and Policies A5 and B5.</p> <p>In the coastal environment this will give effect to the NZCPS in particular: Objectives 1 and 7, and Policies 3, 5, 11, 13 and 21.</p> <p>This will give effect to the SRPS in particular: Objective WQUAN.1, and Policies WQUAN.1, WQUAN.2 and WQUAN.3</p>
<p>Objective 13 Objective 13A Objective 13B</p>	<p>This will give effect to the NPSFM: Objectives A1, A3, and A4, and Policy A1.</p> <p>In the coastal environment, this will give effect to the NZCPS: Objectives 1 and 7, and Policies 3, 5, 11, 13 21 and 23.</p> <p>This will give effect to the SRPS: Objective WQUAL.1, and Policies WQUAL.1, and WQUAL.7.</p>
<p>Objective 14</p>	<p>This will give effect to NPSFM, in particular: Objective B.2.</p> <p>This will give effect to the SRPS in particular: Objectives BIO.1 and BIO.2, and Policy BIO.2</p>
<p>Objective 17</p>	<p>This will be consistent with section 6(a) of the RMA.</p> <p>This will give effect to the SRPS in particular: Objectives BIO.1 and BIO.2, and Policy BIO.2</p>
<p>Policies 4 – 12 (Physiographic Zone Policies)</p>	<p>This will give effect to NPSFM of the RMA, in particular: Objectives A1, A2, and A3, and Policies A1 and A2.</p> <p>In the coastal environment, this will give effect to the NZCPS in particular: Objective 1 and 7, and Policies 3, 5, 11, 13, 21 and 23.</p> <p>This will give effect to SRPS in particular: Objectives WQUAL.1, WQUAL.2 and RURAL.2 and Policies WQUAL.1, WQUAL.2 and WQUAL.3 and RURAL.3.</p>

	In relation to Policy 4 – Alpine, this is consistent with my appeal (ENV-2018-CHC-00036)
Policy 13 – Management of land use activities and discharges	This will give effect to the NPSFM in particular: Objectives A4. This will give effect to the Southland Regional Policy Statement 2017 (SRPS) as required by section 67(3) in particular: Objectives WQUAL.1 and RURAL.1, Policies WQUAL.1, and RURAL.1.
Notified Policy 15 (deleted by decision) Policy15A – Maintain water quality where standards are met Policy15B – Improve water quality where standards are not met Policy15C – Maintaining and improving water quality after FMU processes	This will give effect to the NPSFM in particular: Objective A1, Objective A2, and Policy A1. In the coastal environment, this will give effect to the NZCPS as required by section 67(3) of the RMA, in particular: Objective 1 and 7, and Policies 3, 5, 11, 13 and 23. This gives effect to the SRPS in particular: Objectives WQUAL.1, WQUAL.2, WQUAL.3 and RURAL.1 and Policies WQUAL.1, WQUAL.2, WQUAL.3 WQUAL.4 and RURAL.5.
Policy 16 – Farming activities that affect water quality	This will give effect to NPSFM in particular: Objectives A1, A2, A3, and A4 and Policy A1, and A4. In the coastal environment, this will give effect to the NZCPS, in particular: Objective 1 and 7, and Policies 3, 5, 11, 13, 21 and 23. This will give effect to SRPS in particular: Objectives WQUAL.1, WQUAL.2, WQUAL.3 and RURAL.1 and Policies WQUAL.1, WQUAL.2, WQUAL.3 WQUAL.4, WQUAL.6, RURAL.3 and RURAL.5.
Policy 16A – Industrial and trade processes that may affect water quality	This will give effect to the NPSFM in particular: Objectives A1 and A2, and Policy A1.

	<p>In the coastal environment, this will give effect to the NZCPS of the RMA, in particular: Objectives 1 and 7, and Policies 3, 5, 11, 13, 21 and 23.</p> <p>This will give effect to the SRPS in particular: Objectives WQUAL.1, WQUAL.2 and WQUAL.3 and Policies WQUAL.1, WQUAL.2 and WQUAL.10.</p>
Policy 17 – Agricultural effluent management	<p>This will give effect to the NPSFM in particular: Objectives A1 and A2, and Policy A1.</p> <p>In the coastal environment, this will give effect to the NZCPS in particular: Objectives 1 and 7, and Policies 3, 5, 11, 13, 21, and 23.</p> <p>This will give effect to the SRPS in particular: Objectives WQUAL.1 and WQUAL.2, and Policies WQUAL.1 and WQUAL.2.</p>
Policy 17A – Community sewerage schemes and on-site wastewater systems	<p>This will give effect to the NPSFM in particular: Objectives A1 and A2, and Policy A1.</p> <p>In the coastal environment, this will give effect to the NZCPS of the RMA, in particular: Objectives 1 and 7, and Policies 3, 5, 11, 13, 21 and 23.</p> <p>This will give effect to the SRPS in particular: Objectives WQUAL.1, WQUAL.2 and WQUAL.3 and Policies WQUAL.1, WQUAL.2, WQUAL.9 and WQUAL.10.</p>
Policy 18 – Stock exclusion	<p>This will give effect to NPSFM in particular: Objectives A1, A2, and A4, and Policy A5.</p> <p>This will give effect to the NZCPS in particular: Objective 1 and 7, and Policies 3, 5, 11, 13, and 21.</p> <p>This will give effect to SRPS in particular: Objectives WQUAL.1, WQUAL.2, and RURAL.2 and Policies WQUAL.1, WQUAL.2, WQUAL.6, and RURAL.3.</p>

Policy 20 – Management of water resources	<p>This will give effect to NPSFM in particular: Objective B5.</p> <p>This will give effect to SRPS in particular: Objectives WQUAN.1 and RURAL.1, and Policies WQUAN.1, and RURAL.1.</p>
Policy 28 – Structures and bed disturbance activities of rivers (including modified watercourses) and lakes	<p>This will give effect to SRPS in particular: Objectives WQUAN.1, WQUAN.2, and BRL.1, and Policies WQUAN.1, WQUAN.3, WQUAN.4, BRL.1 and BRL.3.</p>
Policy 29 – Provide for the extraction of gravel	<p>This will be consistent with Part 2 of the RMA by achieving the sustainable management purpose in section 5; and recognises and provides for matters of national importance including: section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>This will give effect to SRPS in particular: Objectives BRL.1, BIO.2 and BIO.3, and Policies BRL.1, BRL.3, BIO.2 and BIO.4.</p> <p>This is consistent with my appeal (ENV-2018-CHC-00036)</p>
Policy 32 – Protect significant indigenous vegetation and habitat	<p>This is consistent with Part 2 of the RMA by achieving the sustainable management purpose in section 5; and recognising and providing for matters of national importance including: section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>This will give effect to the SRPS in particular: Objectives BRL.1, BIO.2 and BIO.3 Policies BRL.1, BRL.3, BIO.1, BIO.2 and BIO.4</p>
Policy 39 – Application of permitted baseline	<p>This will give effect to NPSFM in particular: Objectives A1, A2, B1, B2, B3, and Policies A1 and A4, B2 and B5.</p> <p>This will give effect to SRPS in particular: Objectives WQUAL.1, WQUAL.2 and WQUAN.1, and Policy WQUAL.1 and WQUAN.2.</p>
Policy 39A – Integrated management	<p>This will be consistent with Part 2 of the RMA by achieving the sustainable management purpose in section 5; and recognises</p>

	<p>and provides for matters of national importance including: section 6(a) natural character of wetlands, lakes, rivers, coastal environment and their margins; and section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>This will give effect to the NPSFM in particular: Objective C1.</p> <p>In the coastal environment, this will give effect to the NZCPS in particular: Objectives 1 and 7, and Policies 3 and 4.</p> <p>This gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objective WQUAL.1, and Policy WQUAL.12</p>
Policy 46 – Identified FMUs	<p>This will give effect to NPSFM in particular: Objectives A2, and B2, and Policies A1. A2 and B2.</p> <p>This will give effect to SRPS in particular: Objectives WQUAL.1, and WQUAN.2, and Policy WQUAL.1 and WQUAN.2.</p>
Rule 13 – Discharge from subsurface drainage systems	<p>This gives effect to the NPSFM, in particular: Objective A1.</p> <p>In the coastal environment, this will give effect to the NZCPS in particular: Objectives 1 and 7, and Policies 3, 5, and 23.</p> <p>This gives effect to the SRPS in particular: Objectives WQUAL.1 and WQUAL.2, and Policies WQUAL.1 and WQUAL.2.</p>
Rule 14 – Discharge of fertiliser	<p>This gives effect to the NPSFM, in particular: Objective A1.</p> <p>In the coastal environment, this will give effect to the NZCPS in particular: Objectives 1 and 7, and Policies 3, 5, and 23.</p> <p>This gives effect to the SRPS in particular: Objectives WQUAL.1 and WQUAL.2, and Policies WQUAL.1 and WQUAL.2.</p>
Rule 15 – Discharge of stormwater	<p>This gives effect to the NPSFM, in particular: Objective A1.</p>

	<p>In the coastal environment, this will give effect to the NZCPS in particular: Objectives 1 and 7, and Policies 3, 5, and 23.</p> <p>This gives effect to the SRPS in particular: Objectives WQUAL.1 and WQUAL.2, and Policies WQUAL.1 and WQUAL.2.</p>
Rule 20 – Farming	<p>This will be consistent with Part 2 of the RMA by achieving the sustainable management purpose in section 5; and recognising and providing for matters of national importance including: section 6(a) natural character of wetlands, lakes, rivers, coastal environment and their margins; and section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>This gives effect to the NPSFM in particular: Objectives A1 and A2, and Policy A1.</p> <p>This in the coastal environment, gives effect to the NZCPS in particular: Objectives 1 and 7, and Policies 3, 5, 11, 13, 21 and 23.</p> <p>This gives effect to the SRPS in particular: Objectives WQUAL.1 and WQUAL.2, and Policy WQUAL.1 and WQUAL.2.</p>
Rule 24 – Incidental discharges from farming	<p>This will give effect to the NPSFM in particular: Objectives A1 and A2.</p> <p>In the coastal environment, the gives effect to the NZCPS in particular: Objectives 1 and 7, and Policies 3, 5, 11, 13, 21 and 23.</p> <p>This gives effect to the SRPS in particular: Objectives WQUAL.1 and WQUAL.2, and Policies WQUAL.1 and WQUAL.2.</p>
Rule 25 – Cultivation on sloping ground	<p>This will give effect to the NPSFM in particular: Objectives A1 and A2.</p>

	<p>In the coastal environment, this will give effect to the NZCPS in particular: Objectives 1 and 7, and Policies 3, 5, 11, 13, 21 and 22.</p> <p>This gives effect to the SRPS in particular: Objectives WQUAL.1, WQUAL.2, and RURAL.2, and Policies WQUAL.1, WQUAL.2, RURAL.3, and RURAL.5</p>
Rule 51 – Minor diversions of water	<p>This will be consistent with Part 2 of the RMA by achieving the sustainable management purpose in section 5; and recognising and providing for matters of national importance including: section 6(a) natural character of wetlands, lakes, rivers, coastal environment and their margins; and section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>This will give effect to the NPSFM in particular: Objectives B1 and B4.</p> <p>In the coastal environment, this will give effect to the NZCPS in particular: Objectives 1 and 7, and Policies 2, 5, 11, and 13.</p> <p>This gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAN.1 and TW.3, and Policy WQUAN.1 and TW.5.</p>
Rule 70 – Stock exclusion from waterbodies	<p>This will give effect to NPSFM in particular: Objectives A1, A2, and A4, and Policy A5.</p> <p>This will give effect to the NZCPS in particular: Objective 1 and 7, and Policies 3, 5, 11, 13, and 21.</p> <p>This will give effect to SRPS in particular: Objectives WQUAL.1, WQUAL.2, and RURAL.2 and Policies WQUAL.1, WQUAL.2, WQUAL.6, and RURAL.3.</p>
Rule 78 – Weed and sediment removal for drainage maintenance	<p>This will be consistent with Part 2 of the RMA by achieving the sustainable management purpose in section 5; and will recognise and provide for matters of national importance including:</p>

	<p>section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>This gives effect to the NPSFM, in particular: Objective A1.</p> <p>in the coastal environment, gives effect to the NZCPS in particular: Objectives 1 and 7, and Policies 3, 5, 11, 13 and 21.</p> <p>This gives effect to the SRPS in particular: Objectives WQUAL.1 and BIO.2, and Policy BIO.4.</p> <p>This is consistent with my appeal (ENV-2018-CHC-00036)</p>
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7. I agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated the 22nd of June 2018



Aaron Fleming, Director Operations, Southern South Island Region
Pursuant to delegated authority from the Director-General of Conservation²

Address for service of interested party:

Director-General of Conservation
Planning, Permissions and Land
Department of Conservation
Private Bag 4715
Christchurch 8011

² 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
SAR-04-83-117 Royal Forest and Bird Society of New Zealand - proposed Southland Water and Land Plan - s274 joining

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Appendix 1**Table 2****Director-General of Conservation's Relevant Submissions
and Further Submissions on proposed Plan Provisions**

Plan Provision	Submission Point	Further Submission Point
Objective 6	210.27	622.6 P F Olsen Limited 752.22 Southland Fish & Game Council (SF&GC)
Objective 9	210.30	265.22 Federated Farmers of New Zealand (Fed Farmers) 279.9 Royal Forest & Bird Society of New Zealand (RF&B) 752.26 SF&GC
Objective 13	210.34	752.29 SF&GC 803.11 Fertiliser Association of New Zealand (FANZ)
Objective 14	210.35	752.30 SF&GC
Objective 17	210.38	265.29 Fed Farmers 752.33 SF&GC
Policies 4 – 12 (Physiographic Zone Policies)	210.43-210.51	
Policy 13	210.52	
Deleted Policy 15	210.54	279.23 RF&B 752.59 SF&GC
Policy 15A	210.54	
Policy 15B	210.54	
Policy 15C	210.54	
Policy 16	210.55	279.24 RF&B 752.60 SF&GC
Policy 16A		277.40 Fonterra
Policy 17	210.56	
Policy 17A		330.10 Gore and Southland District Councils and Invercargill City Council (GDC&SDC&ICC)
Policy 18	210.57	279.26 RF&B

Policy 20	210.58	752.63 SF&GC
Policy 26A		330.10 GDC&SDC&ICC
Policy 28	210.61	752.69 SF&GC
Policy 29	210.62	279.35 RF&B 752.70 SFGC
Policy 32	210.65	279.37 RF&B
Policy 39	210.69	
Policy 39A	210.70	
Policy 46		562.9 Meridian Energy 752.86 SF&GC
Rule 13		133.2 Civil Tech Ltd. 247.8 Environment Southland 249.20 Ernslaw One Ltd 265.79 Fed Farmers 622.18 P F Olsen Ltd 750.12 Southland District Council 752.105 SF&GC 779.2 Strathallan Trust
Rule 14		622.19 P F Olsen Ltd 752.106 SF&GC
Rule 15		249.22 Ernslaw One Ltd. 330.13 GDC&SDC&ICC 752.107 SF&GC
Rule 20 – Farming	210.82	247.9 Environment Southland 752.112 SF&GC
Rule 24		279.70 RF&B
Rule 25	210.86	752.118 SF&GC
Rule 51		752.144 SF&GC
Rule 52 Rule 52A		562.15 Meridian Energy Ltd
Rule 70	210.91	752.163 SF&GC
Rule 78	210.95	797.52 Nga Rūnanga and TRONT