

BEFORE THE ENVIRONMENT COURT

I MUA I TE KOOTI TAIAO O AOTEAROA

AT CHRISTCHURCH

ENV – 2018 – CHC – 000031

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

**Gore District Council, Southland District Council and
Invercargill City Council (Territorial Authorities)**
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
Private Bag 4715
Christchurch 8140
Phone: 03 371 3700
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 Gore District Council, Southland District Council and Invercargill City Council (the appellant), ENV – 2018 – CHC – 000031 (the notice).
2. I made a submission on the proposed Plan¹, and a further submission, on Rule 15², Rule 33³ and New Rule 33A⁴.
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 all the appeal.
5. My interests are as follows:

Rule 15 – Discharge of stormwater

- 5.1. In paragraphs 7 – 10 of its notice, the appellant appeals that part of the decision dealing with Rule 15 and seeks to amend the Rule as the appellant is concerned that the definition of ‘stormwater’ may be interpreted in the Rule to only include water resulting from rainfall.

Rule 33 – Community sewerage schemes (discharge to land)

- 5.2. In paragraphs 11 – 13 of its notice, the appellant appeals that part of the decision dealing with Rule 33. The appellant seeks that Rule 33 is amended to provide for existing community sewerage schemes that discharge within 20 meters of a river, lake, artificial watercourse, modified watercourse, natural wetland or the coastal marine area to be a discretionary activity within the conditions of the Rule.

¹ Submitter Number 210

² Further submission on Gore District Council, Southland District Council and Invercargill City Council Submission Point 330.13

³ Further submission on Gore District Council, Southland District Council and Invercargill City Council Submission Point 330.15

⁴ Further submission on Gore District Council, Southland District Council and Invercargill City Council Submission Point 330.15

New Rule 33A – Community sewerage schemes (discharge to water)

5.3. The decision separated notified Rule 33 into Rule 33 and new Rule 33A. In paragraphs 14 – 17 of its notice, the appellant appeals that part of the decision inserting new Rule 33A and seeks to amend the new Rule to differentiate between the discharge of treated effluent and untreated effluent, by making the discharge of treated effluent from a community sewerage scheme into water in a river, lake, artificial watercourse, modified watercourse or natural wetland a discretionary activity. The appellant suggests this amendment would better incentivise the treatment of community sewage.

6. I oppose the relief sought in the appeal. My reasons for opposing the relief sought are as follows:

Rule 15 – Discharge of stormwater

- 6.1. I opposed the appellant’s submission on Rule 15 in my further submission⁵.
- 6.2. I oppose widening the definition of ‘stormwater’ as the proposed amendment may result in adverse effects of discharges of stormwater including contaminants not being appropriately managed or improved.
- 6.3. The relief sought by the appellant:
- 6.3.1. fails to give effect to the National Policy Statement Freshwater Management 2014 (as amended 2017) (NPSFM) as required by section 67(3) of the RMA, in particular: Objectives A1 and A2.
- 6.3.2. in the coastal environment fails to give effect to the New Zealand Coastal Policy Statement (NZCPS) as required by section 67(3) of the RMA, in particular: Policy 23.
- 6.3.3. fails to give effect to the Southland Regional Policy Statement 2017 (SRPS) as required by section 67(3) of the RMA, in particular: Objectives WQUAL.2, WQUAL.3 and Policies WQUAL.2, WQUAL.6 and WQUAL.9.

Rule 33 – Community sewerage scheme (discharge to land)

⁵ Further submission on Gore District Council, Southland District Council and Invercargill City Council Submission Point 330.13

- 6.4. I opposed the appellant's submission on Rule 33 in my further submission.⁶
- 6.5. I am concerned that the relief sought by the appellant will result in the appellant failing to consider improvement of the operations of community sewerage schemes which discharge to land where this is within 20m of water bodies as listed above.
- 6.6. The relief sought by the appellant:
- 6.6.1. fails to give effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objectives A1 and A2 and in future Policy A3.
- 6.6.2. fails to give effect to the NZCPS as required by section 67(3) of the RMA, in particular: Policies 21 and 23.
- 6.6.3. fails to give effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1, WQUAL.2 and WQUAL.3, and Policies WQUAL.2, WQUAL.3, WQUAL.6, WQUAL.8 and WQUAL.10.

New Rule 33A – Community sewerage scheme (discharge to water)

- 6.7. I opposed the appellant's submission on Rule 33 seeking relief consistent with new Rule 33A in my further submission.⁷
- 6.8. I oppose the relief sought as it is uncertain what 'treated' effluent is, noting the plan defines '*effluent*' but not '*treated effluent*'. I disagree that the relief sought may result in incentivising the treatment of effluent. I consider that providing for these discharges as a discretionary activity is uncertain and inappropriate.
- 6.9. The relief sought by the appellant:
- 6.9.1. fails to give effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objectives A1 and A2 and in future Policy A3.
- 6.9.2. fails to give effect to the NZCPS as required by section 67(3) of the RMA, in particular: Policies 21 and 23.

⁶ Further submission on Gore District Council, Southland District Council and Invercargill City Council Submission Point 330.15

⁷ Further submission on Gore District Council, Southland District Council and Invercargill City Council Submission Point 330.15

6.9.3. fails to give effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1, WQUAL.2 and WQUAL.3, and Policies WQUAL.2, WQUAL.3, WQUAL.6 and WQUAL.10.

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 Conservation⁸

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⁸ 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