

BEFORE THE ENVIRONMENT COURT

I MUA I TE KOOTI TAIAO O AOTEAROA

AT CHRISTCHURCH

ENV – 2018 – CHC – 00037

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

Southland Fish and Game Council

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 Southland Fish and Game Council (the appellant), ENV – 2018 – CHC – 000037 (the notice).
2. I made a submission¹, and further submission on the proposed Plan. Details on my submission and further submission which are relevant to the notice are set out fully 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 will give 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 gives 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 Fish and Game - proposed Southland Water and Land Plan - s274 joining notice - DOC-5506526

Objective 7	<p>This will give effect to the NPSFM in particular: Objective A2, Policy A1, Objective B2, and Policy B5.</p> <p>This will give effect to the SRPS in particular: Objectives WQUAL.1 and WQUAN.1, Policies WQUAL.1, WQUAL.5 and WQUAN.1.</p>
Objective 9	<p>This will give effect to the SRPS in particular: Objectives WQUAN.1, Policies WQUAN.1 and WQUAN.7.</p>
Objective 9B	<p>This will give effect to the SRPS in particular: Policy INF.1.</p>
Objective 13 Objective 13A Objective 13B	<p>This will give effect to the NPSFM in particular: Objective A1, Objective A4, and Policy A1.</p> <p>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 Policy 22.</p> <p>This will give effect to the SRPS in particular: Objectives WQUAL.1 and Policies WQUAL.2.</p>
Objective 18	<p>This will give effect to the NPSFM in particular: Objective A1, Objective A4, Objective B2, Objective B4 and Policies A1 and B1.</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 WQUAN.2 and Policies WQUAL.1 and WQUAN.2.</p>
Policy 4, Policy 5, Policy 6, Policy 9, Policy 10, Policy 11, and Policy 12 (Physiographic Zone Policies)	<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,</p>

	<p>WQUAL.2 and WQUAL.3 and RURAL.3.</p> <p>In relation to Policy 4 – Alpine, this is consistent with the relief sought in my appeal (ENV-218-CHC-00036)</p>
Policy 13 – Management of land use activities and discharges	<p>This will give effect to the NPSFM in particular: Objective A4.</p> <p>This will give effect to the SRPS in particular: Objective WQUAL.1 and RURAL.1, and Policies WQUAL.1, and RURAL.1.</p>
Policy 15A – Maintain water quality where standards are met, Policy 15B – Improving water quality where standards not met, and Policy 15C – Maintaining or improving water quality after FMU processes	<p>This will give effect to the NPSFM in particular: Objective A1, Objective A2, and Policy A1.</p> <p>In the coastal environment, gives effect to the NZCPS as required by section 67(3) of the RMA, 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, WQUAL.2, WQUAL.3 and RURAL.1 and Policies WQUAL.1, WQUAL.2, WQUAL.3 WQUAL.4 and RURAL.5.</p>
Policy 16 – Farming activities that affect water quality	<p>This will give effect to NPSFM in particular: Objectives A1, A2, A3, and A4 and Policy A1, and A4.</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, WQUAL.3 and RURAL.1 and Policies WQUAL.1, WQUAL.2, WQUAL.3 WQUAL.4, WQUAL.6, RURAL.3 and RURAL.5.</p> <p>This is consistent with the relief sought in my appeal (ENV-218-CHC-00036)</p>
Policy 18 – Stock Exclusion from waterbodies	<p>This will give effect to NPSFM in particular: Objectives A1, A2, and A4.</p> <p>This will give effect to the NZCPS in particular: Objective 1 and 7, and Policies 3, 5, 11, 13, and 21.</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.
Policy 20 – Management of water resources	This will give effect to NPSFM in particular: Objective B5. This will give effect to SRPS in particular: Objectives WQUAN.1 and RURAL.1, and Policies WQUAN.1, and RURAL.1.
Policy 26A – Infrastructure	This will give effect to the SRPS in particular: Policy INF.1.
Policy 30 – Drainage maintenance	This will give effect to the NPSFM in particular: Objective A1 and Objective A2. 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. This will give effect to the SRPS in particular: Objectives WQUAL.1 and BIO.2, and Policies WQUAL.1, WQUAL.2 and BIO.2.
Policy 39 – Application of permitted baseline	This will give effect to NPSFM in particular: Objectives A1, A2, B1, B2, and B3, and Policies A1 and A4, B2 and B5. This will give effect to SRPS in particular: Objectives WQUAL.1, WQUAL.2 and WQUAN.1, and Policy WQUAL.1 and WQUAN.2.
Policy 45 – Priority of FMU values, objectives, policies and rules	This will give effect to NPSFM in particular: Objectives A2, and B2. This will give effect to SRPS in particular: Objectives WQUAL.1, and WQUAN.2, and Policy WQUAL.1 and WQUAN.2.
Policy 47 – FMU processes	This will give effect to NPSFM in particular: Objectives A2, and B2. This will give effect to SRPS in particular: Objectives WQUAL.1, and WQUAN.2, and Policy WQUAL.1 and

	WQUAN.2.
Rule 5 – Discharges to surface waterbodies	<p>This will be consistent with Part 2 of the RMA by achieving the sustainable management purpose in section 5; and by 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: Objective A1.</p> <p>In the coastal environment, this will give effect to the NZCPS as required by section 67(3) 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: Objective WQUAL1 and Policy WQUAL.3.</p> <p>This is consistent with the relief sought in my appeal (ENV-218-CHC-00036)</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</p>

	<p>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</p>

	<p>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 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 73 – Gravel extraction	<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: section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>This will give effect to NPSFM in particular: Objectives A1, A2, and A4, and Policy A5.</p> <p>This will give effect to SRPS in particular: Objectives BRL.1, and Policies BRL.1, BRL.3,</p>
Rule 74 – Wetlands	<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: section 6(a) natural character of wetlands, lakes, rivers, coastal environment and their margins.</p> <p>In the coastal environment, gives effect to the NZCPS in particular: Objectives 1 and 7, and Policies 2, 5, 11, and 13.</p> <p>This will give effect to the SRPS in particular: Objectives WQUAN.1, and Policy WQUAL.3 and WQUAN.1.</p>
Rule 78 – Weed and sediment removal for	<p>This will be consistent with Part 2 of the RMA by achieving the sustainable management purpose in section 5; and will recognise</p>

drainage maintenance	<p>and provide 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 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 will give effect to the SRPS in particular: Objectives WQUAL.1 and BIO.2, and Policy BIO.4.</p>
Definition of ‘sediment’	<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: 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 A1.</p> <p>This will give effect to the SRPS in particular: Objectives WQUAL.1 and BIO.2, and Policy BIO.4.</p>
Definition of ‘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>
Appendix A – Regionally Significant Wetlands and Sensitive Water Bodies in Southland	<p>This will be consistent with Part 2 of the RMA by achieving the sustainable management purpose in section 5; and will recognise 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 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: Objective WQUAL1 and Policy WQUAL.3.</p>
Appendix E – Receiving Water Quality Standards	<p>This will give effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objective A1 and Objective A2.</p> <p>In the coastal environment, this will give effect to the NZCPS as required by section 67(3) 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 Policy WQUAL.1, WQUAL.2, and WQUAL.6.</p>
Appendix N – Farm Environmental Management Plan Requirements	<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, 22 and 23.</p> <p>This will give effect to the SRPS in particular: Objectives WQUAL.1 and WQUAL.2, and Policies WQUAL.1, WQUAL.2, WQUAL.3 and WQUAL.5.</p>

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

Contact persons

Amelia Ching, RMA Planner – Planning Shared Services
Ph: 027 627 7705
Email: aching@doc.govt.nz

Pene Williams, Senior Solicitor – Legal Services
Ph: 03 474 6902
Email: pwilliams@doc.govt.nz

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 Fish and Game - proposed Southland Water and Land Plan - s274 joining notice - DOC-
5506526

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 2	210.23	752.18 Southland Fish & Game Council (SF&GC)
Objective 6	210.27	752.22 SF&GC
Objective 7	210.28	
Objective 9	210.30	265.22 Federated Farmers of New Zealand (Fed Farmers) 279.9 Royal Forest & Bird Society of New Zealand (RF&B) 752.25 SF&GC
Objective 9B		330.2 Gore District Council, Southland District Council, Invercargill City Council (GDC&SDC&ICC)
Objective 13	210.34	752.29 SF&GC 803.11 Fertiliser Association of New Zealand (FANZ)
Objective 13A	210.34	752.29 SF&GC 803.11 FANZ
Objective 13B	210.34	752.29 SF&GC 803.11 FANZ
Objective 18	210.39	277.16 Fonterra 752.34 SF&GC
Policies 4 – 12 (Physiographic Zone Policies)	210.43- 210.51	
Policy 13	210.52	
Policy 15A	210.54	279.23 RF&B 752.59 SF&GC
Policy 15B	210.54	279.23 RF&B 752.59 SF&GC
Policy 15C	210.54	279.23 RF&B 752.59 SF&GC

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 GDC&SDC&ICC
Policy 18	210.57	279.60 RF&B
Policy 20	210.58	752.63 SF&GC
Policy 26A	210.61	
Policy 30	210.63	279.36 RF&B 752.71 SF&GC
Policy 39	210.69	
Policy 45		752.85 SF&GC
Policy 47		562.10 Meridian Energy 797.30 Nga Rūnanga and TRONT
Rule 5		17.25 Alliance Group 249.16 Ermslaw One Ltd 265.74 Federated Farmers of NZ 279.60 RF&B 750.9 Southland District Council (SDC)
Rule 13		133.2 Civil Tech Ltd 247.8 Environment Southland 249.20 Ermslaw One Ltd 265.79 Fed Farmers 622.18 P F Olsen 750.12 SDC 752.105 SF&GC 779.2 Strathallan Trust
Rule 14		279.64 RF&B 622.19 P F Olsen 752.106 SF&GC
Rule 15		249.22 Ermslaw One 330.13 GDC&SDC&ICC 752.107 SF&GC 797.36 Nga Rūnanga and TRONT
Rule 20 – Farming	210.82	247.9 Environment Southland 752.112 SF&GC
Rule 24	210.85	279.70 RF&B

Rule 25	210.86	752.118 SF&GC
Rule 70	210.91	752.163 SF&GC
Rule 73	210.92	752.166 SF&GC
Rule 74	210.93	797.51 Nga Rūnanga and TRONT
Rule 78	210.95	797.52 Nga Rūnanga and TRONT
Definition of 'sediment'	210.95	
Definition of 'sloping ground'	210.86	752.118 SF&GC
Appendix A	210.97	
Appendix E		Dairy NZ 190.21, Fonterra Co-operative Group Ltd 277.57, 562.26 Meridian Energy Ltd 749.78 Southland Conservation Board 752.180 SF&GC
Appendix N ³	210.100	752.190 SF&GC 797.60 Nga Rūnanga and TRONT