

**BEFORE THE ENVIRONMENT COURT**

**I MUA I TE KOOTI TAIAO O AOTEAROA**

**AT CHRISTCHURCH**

**ENV – 2018 – CHC – 000047**

**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**

**Waihopai Rūnaka, Hokonui Rūnaka, Te Rūnanga o Oraka Aparima, and Te Rūnanga o Ngāi Tahu (Ngāi Tahu)**

Appellant

**AND**

**Southland Regional Council**

Respondent

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**NOTICE OF WISH OF DIRECTOR-GENERAL OF CONSERVATION TO BECOME A PARTY TO PROCEEDINGS**

Section 274 Resource Management Act 1991

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**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 Waihopai Rūnaka, Hokonui Rūnaka, Te Rūnanga o Oraka Aparima, and Te Rūnanga o Ngāi Tahu (Ngāi Tahu) (the appellant), ENV – 2018 – CHC – 000047 (the notice).
2. I made a submission on the proposed Plan<sup>1</sup>, in particular on Objective 6<sup>2</sup>, Objective 9A<sup>3</sup>, Objective 9B<sup>4</sup>, Objective 10<sup>5</sup>, Objective 13<sup>6</sup>, Objective 18<sup>7</sup>, Policy 4<sup>8</sup>, Policy 5<sup>9</sup>, Policy 9<sup>10</sup>, Policy 10<sup>11</sup>, Policy 11<sup>12</sup>, Policy 12<sup>13</sup>, Policy 13<sup>14</sup>, Policy 15<sup>15</sup>, Policy 16<sup>16</sup>, Policy 17<sup>17</sup>, Policy 20<sup>18</sup>, Policy 29<sup>19</sup>, Policy 39A<sup>20</sup>, Rule 15<sup>21</sup>, Rule 28<sup>22</sup>, Rule 29<sup>23</sup>, Rule 74<sup>24</sup>,

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<sup>1</sup> Submitter Number 210

<sup>2</sup> Submission Point 210.27, Further submission on Southland Fish and Game Council 752.22

<sup>3</sup> Submission Point 210.30

<sup>4</sup> Further Submission on Gore, Southland District Councils and Invercargill City Council 330.2

<sup>5</sup> Submission Point 210.31, Further submissions on Meridian Energy Limited 562.1 and Southland Fish and Game Council 752.26

<sup>6</sup> Submission Point 210.34, Further submissions on Southland Fish and Game Council 752.29 and NZ Fertiliser Association of NZ 803.11

<sup>7</sup> Submission Point 210.39 Further submissions on Southland Fish and Game Council 752.34 and Fonterra 277.16.

<sup>8</sup> Submission Point 210.43

<sup>9</sup> Submission Point 210.44

<sup>10</sup> Submission Point 210.48

<sup>11</sup> Submission Point 210.49

<sup>12</sup> Submission Point 210.50

<sup>13</sup> Submission Point 210.51

<sup>14</sup> Submission Point 210.52

<sup>15</sup> Submission Point 210.54

<sup>16</sup> Submission Point 210.55, Further submissions on Southland Fish and Game Council 752.60 and Royal Forest and Bird NZ 279.24

<sup>17</sup> Submission Point 210.56

<sup>18</sup> Submission Point 210.58, Further submission on Southland Fish and Game Council 752.63

<sup>19</sup> Submission Point 210.62, Further submissions on Royal Forest and Bird NZ 279.35 and Southland Fish and Game Council 752.70

<sup>20</sup> Submission Point 210.70

<sup>21</sup> Further submissions on Ernslaw One Ltd 249.22, Gore District Council, Southland District Council and Invercargill City Council 330.10 Gore District Council, and Southland District Council and Invercargill City Council 330.13 and Southland Fish and Game Council 752.107 and Nga Runanga and TRONT 797.36

<sup>22</sup> Further submissions on Nga Runanga and TRONT 797.43, Southland Fish and Game Council 752.121 and Royal Forest and Bird of NZ 279.74

<sup>23</sup> Further submissions on Nga Runanga and TRONT 797.44 and Southland Fish and Game Council 752.122

<sup>24</sup> Submission Point 210.93, Further submissions on Nga Rūnanga and TRONT 797.51

Rule 78<sup>25</sup>, Appendix A<sup>26</sup>, Appendix E<sup>27</sup>, and Appendix N<sup>28</sup>. I made a further submission on New Policy 17A<sup>29</sup>, New Policy 26A<sup>30</sup>, New Rule 35A<sup>31</sup>, and New Rule 52A<sup>32</sup>.

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, using the appeal points set out in the table at paragraph 9 of the notice:

#### Objective 6

- 5.1. In appeal point 6, the appellant appeals that part of the decision dealing with Objective 6 and seeks to remove the reference to ‘overall’ as the appellant considers that by including this the Objective provides no certainty that water quality will be maintained or improved.

#### New Objective 9A

- 5.2. In appeal point 7 the appellant appeals that part of the decision dealing with Objective 9A and seeks to retain the Objective with amendments. The appellant is concerned that the splitting of Objective 9 by the decision has diminished ‘Te Mana o te Wai’ in that needs of water comes first.

#### New Objective 9B

- 5.3. In appeal point 8, the appellant appeals that part of the decision dealing with Objective 9B and seeks to delete Objective 9B as the appellant is concerned the objective is uncertain.

#### Objective 10

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<sup>25</sup> Submission Point 210.95, Further submission on Nga Runanga and TRONT 797.52

<sup>26</sup> Submission Point 210.97

<sup>27</sup> Further submissions on: Dairy NZ 190.21, Fonterra Co-operative Group Ltd 277.57, Meridian Energy Ltd 562.26, Southland Conservation Board 749.78, Southland Fish and Game Council 152.180

<sup>28</sup> Submission point 210.100 Further submissions on Nga Runanga and TRONT 797.60, Environment Southland 247.32, Southland Fish and Game Council 752.190.

<sup>29</sup> Further submission on Gore District Council, Southland District Council and Invercargill City Council 330.10

<sup>30</sup> Further submissions on Gore District Council, Southland District Council and Invercargill City Council 330.10

<sup>31</sup> Further submission on Nga Rūnanga and TRONT 797.46, Royal Forest and Bird of NZ 279.81 and Southland Fish and Game Council 752.128

<sup>32</sup> Further submission on Meridian Energy Ltd 562.15

- 5.4. In appeal point 9, the appellant appeals that part of the decision dealing with Objective 10 and seeks to amend the Objective to remove reference to ‘hydro-electric schemes’ and the recognition of schemes and their structures as part of the existing environment.

Objective 13

- 5.5. In appeal point 10, the appellant appeals that part of the decision dealing with Objective 13 and seeks to reject the changes made by the decision to separate the Objective into three Objectives 13, 13A and 13B as the appellant considers that “*the amendments do not recognise ‘ki uta ki tai’ in that what affects the land affects water*”.

Objective 18

- 5.6. In appeal point 11 the appellant appeals that part of the decision dealing with Objective 18 and seeks to reinstate the Objective as notified, as the appellant considers the decision version of Objective 18 provides little certainty that good management practice will be achieved.

Policy 4, Policy 5, Policy 9, Policy 10, Policy 11, Policy 12

(Physiographic Zone Policies – excluding Policy 6)

- 5.7. In appeal points 12 and 13 of its notice, the appellant appeals that part of the decision dealing with the Physiographic Zone policies (excluding policy 6 – Gleyed, bedrock/hill country and lignite marine terraces) and seeks to amend the wording of paragraph 3 of each of the Policies to remove the decision wording ‘*generally not granting*’ and replace it with ‘*strongly discouraging the granting of*’. The appellant considers that the decision does not provide certainty that the line will be held against further degradation of water quality.

Policy 13 – Management of land use activities and discharges

- 5.8. In appeal point 14, the appellant appeals that part of the decision dealing with Policy 13 and seeks to reinstate the Policy as notified. The appellant considers that the primary production activities included by the decision in the Policy are captured by the term ‘economic, social and cultural wellbeing’ and specific mention is not necessary.

Policy 15 – Maintaining and improving water quality

New Policy 15A – Maintain water quality where standards are met,

New Policy 15B – Improving water quality where standards not met, and

New Policy 15C – Maintaining or improving water quality after FMU processes

- 5.9. In appeal point 15 of its notice, the appellant appeals that part of the decision dealing with Policies 15, 15A, 15B, and 15C and seeks the deletion of the decision version Policies 15A, 15B and 15C and to insert Policy 15 as proposed by the s42A report as follows:

*Maintain and improve water quality by:*

*1. despite any other policy ~~or objective~~ in this Plan, avoiding new discharges to surface waterbodies that will reduce water quality beyond the zone of reasonable mixing;*

*1A. avoiding, remedying or mitigating the adverse effects of existing discharges to surface waterbodies, beyond the zone of reasonable mixing;*

*2. avoiding point source and non-point source discharges to land that will reduce surface or groundwater quality, unless the adverse effects of the discharge can be avoided, remedied or mitigated;*

*3. avoiding land use activities that will reduce surface or groundwater quality, unless the adverse effects can be avoided, remedied or mitigated; and*

*4. avoiding discharges to artificial watercourses that will reduce water quality in a river, lake, or modified watercourse, natural wetland or lagoon beyond the zone of reasonable mixing;*

*so that:*

*1. water quality is maintained where it is better than the water quality standards specified in Appendix E “Water Quality Standards”; or*

*2. water quality is improved where it does not meet the water quality standards specified in Appendix E “Water Quality Standards”; and*

*3. groundwater quality meets the Drinking-Water Standards for New Zealand 2005 (revised 2008) where water is used for drinking; and*

*4. ANZECC sediment guidelines (as shown in Appendix C of this Plan) are met; and*

*5. additionally, in the case of existing discharges, improves water quality where water quality is degraded, to the point of being overallocated.*

Policy 16 – Farming activities that affect water quality

- 5.10. In appeal point 16, the appellant appeals that part of the decision dealing with Policy 16 and seeks to amend Policy 16 as the appellant considers that:

- in paragraph 1(a) ‘discouraging’ as compared to ‘strongly discouraging’ the establishment of new dairy farming is weaker in intent;

- paragraph 1(c) is uncertain; and
- paragraph 3 is unnecessary and could set an expectation that the decision maker has flexibility to aggregate consents.

#### Policy 17 – Agricultural effluent management

- 5.11. In appeal point 17 of its notice, the appellant appeals that part of the decision dealing with Policy 17 and seeks to remove Policy 17.1 as the appellant considers that the paragraph is uncertain and unnecessary.

#### New Policy 17A – Community sewerage schemes and on-site wastewater systems

- 5.12. In appeal point 18 of its notice, the appellant appeals that part of the decision dealing with Policy 17A and seeks to delete ‘progressively’ from Policy 17A.1(b) as the appellant considers this is uncertain.

#### Policy 20 – Management of water resources

- 5.13. In appeal point 19 of its notice, the appellant appeals that part of the decision dealing with Policy 20 and seeks to remove the reference to ‘including for primary production’ in paragraph 1A, as the appellant considers that the activities of primary production are captured by the term ‘economic, social and cultural wellbeing’ and specific mention is not necessary.

#### New Policy 26A - Infrastructure

- 5.14. In appeal point 22 of its notice, the appellant appeals that part of the decision dealing with Policy 26A and seeks to delete the Policy as the appellant considers that there is insufficient clarity of what constitutes ‘effective development, operation, maintenance and upgrading’ of infrastructure.

#### Policy 29 – Provide for the extraction of gravel

- 5.15. In appeal point 23, the appellant appeals that part of the decision dealing with Policy 29 and seeks to delete in paragraph 1 the text “requires the restoration of” and replace with “maintains or enhances”.

#### Policy 39A – Integrated Management

- 5.16. In appeal point 24, the appellant appeals that part of the decision dealing with Policy 39A and seeks to delete the Policy’s opening words “when considering the cumulative effects of land use and discharge activities within whole catchments, consider” and replace with “To improve”.

Rule 15 – Discharge of stormwater

- 5.17. In appeal point 26, the appellant appeals that part of the decision dealing with Rule 15 and seeks to include an addition clause to ensure discharges are not into established mātaītai or taiapure reserves.

Rule 28 – Discharges of liquid from waterless composting toilet systems

- 5.18. In appeal point 26 of its notice, the appellant appeals that part of the decision dealing with Rule 28 and seeks to include an additional clause to ensure discharges are not into established mātaītai or taiapure reserves.

Rule 29 – Discharges of aerobically composted human excreta

- 5.19. In appeal point 31, the appellant appeals that part of the decision dealing with Rule 29 and seeks to include an addition text to ensure discharges are not within a certain distance of mātaītai or taiapure reserves.

New Rule 35A – Feed pads/lots

- 5.20. In appeal point 32, the appellant appeals that part of the decision dealing with Rule 35A and seeks to include the text ‘coastal marine area’ in the setback condition at Rule 35A(a)(iii)(1).

New Rule 52A – Manapōuri Hydro-electric Generation Scheme

- 5.21. In appeal point 33, the appellant appeals that part of the decision dealing with Rule 52A and seeks to amend the activity status in the Rule to restricted discretionary and include an additional condition.

Rule 74 – Wetlands

- 5.22. In appeal points 34 and 35, the appellant appeals that part of the decision dealing with Rule 74 and seeks to amend the Rule to provide for the removal of plants for mahinga kai purposes, and to amend the activity status so that the draining of any natural wetland is a prohibited activity.

Rule 78 – Weed and sediment removal for drainage maintenance

- 5.23. In appeal point 37, the appellant appeals that part of the decision dealing with Rule 78 and seeks to include a clause in the Rule to protect taonga species and their habitats.

Appendix A – Regionally Significant Wetlands and Sensitive Water Bodies in Southland

- 5.24. In appeal point 40, the appellant appeals that part of the decision dealing with Appendix A and seeks to include a number of wetlands in the Appendix which were in the notified version of Appendix Q – Sensitive Water Bodies, but are not included in the decision version of Appendix A.

Appendix E – Receiving Water Quality Standards

- 5.25. In appeal point 39, the appellant appeals that part of the decision dealing with Appendix E and seeks to delete the statement: *“due to the effects of the operation of the Manapōuri hydro-electric generation scheme that alters natural flows, that parameter cannot be applied”*.

Appendix N – Farm Environmental Management Plan Requirements

- 5.26. In appeal point 38, the appellant appeals that part of the decision dealing with Appendix N and seeks to amend the Appendix to include a condition that requires Farm Environmental Management Plans contain good management practices to minimise the effects on taonga species and any significant indigenous biodiversity.

6. I support the relief sought in the appeal with respect to Objective 6, Objective 9A, Objective 10, Objective 13, Objective 18, Policy 4, Policy 5, Policy 9, Policy 10, Policy 11, Policy 12, Policy 13, Policy 15, Policy 15A, Policy 15B, Policy 15C, Policy 16, Policy 17A, Policy 20, Policy 29, Policy 39A, Rule 15, Rule 28, Rule 29, Rule 35A, Rule 52A, Rule 74, Rule 78, Appendix A, Appendix E, and Appendix N. The reasons for supporting the relief sought are as follows:

Objective 6

- 6.1. I support the relief sought as ‘overall’ is not defined in the National Policy Statement for Freshwater Management 2014 (as amended 2017) (NPSFM). Therefore, the Objective lacks clarity on whether water quality will not be reduced in waterbodies across Southland or whether the objective allows reductions in some waterbodies and improvements in others.
- 6.2. The relief sought by the appellant:
- 6.2.1. gives effect to the NPSFM as required by section 67(3) of the RMA in particular: Objective A1 and Objective A2.



- 6.2.2. in the coastal environment, gives effect to the New Zealand Coastal Policy Statement 2010 (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.
- 6.2.3. gives effect to the Southland Regional Policy Statement (SRPS) as required by section 67(3) of the RMA, in particular: Objective WQUAL.1, Policies WQUAL.1 and WQUAL.5.

#### New Objective 9A

- 6.3. I support the relief sought as the splitting of the objective has changed the outcome of the objective.
- 6.4. The relief sought by the appellant:
  - 6.4.1. gives effect to NPSFM as required by section 67(3) of the RMA, in particular: Objectives A4 and B5, and Policies A5 and B8.
  - 6.4.2. in the coastal environment, gives effect to the NZCPS as required by section 67(3) of the RMA, in particular: Objective 1, and 7, and Policies 3, 11, 13 and 21.
  - 6.4.3. gives effect to SRPS as required by section 67(3) of the RMA, in particular: Objective WQUAN.1, and Policy WQUAN.1.

#### Objective 10

- 6.5. I agree that not all of the hydro-scheme are nationally significant and that their structures should not be considered part of the existing environment.
- 6.6. The relief sought by the appellant:
  - 6.6.1. gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objective B2.
  - 6.6.2. gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objective WQUAN.2, and Policy WQUAN.3.

#### Objective 13

- 6.7. I support the relief sought as the splitting of the Objective into three has changed the outcome of the Objectives.
- 6.8. The relief sought by the appellant:

- 6.8.1. gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objective A1, Objective A4, and Policy A1.
- 6.8.2. in the coastal environment, gives effect to the NZCPS as required by section 67(3) of the RMA, in particular: Objective 1, and Policy 22.
- 6.8.3. gives effect to the SRPS as required by section 67(3) of the RMA in particular: Objective WQUAL.1 and Policy WQUAL.2.

#### Objective 18

- 6.9. I support relief sought as it moves away from the reliance on good management practices that are not certain.
- 6.10. The relief sought by the appellant:
  - 6.10.1. gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objective A1, Objective A4, Objective B2, Objective B4 and Policy A1.
  - 6.10.2. 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 2, 5, 11, 13 and 23.
  - 6.10.3. gives effect to the SRPS as required by section 67(3) of the RMA in particular: Objectives WQUAL.1 and WQUAN.2 and Policies WQUAL.1 and WQUAN.2.

#### Policy 4, Policy 5, Policy 9, Policy 10, Policy 11, Policy 12

##### (Physiographic Zone Policies – excluding Policy 6)

- 6.11. I support the relief sought as it provides guidance to decision makers on appropriate land use activities in physiographic zones.
- 6.12. The relief sought by the appellant:
  - 6.12.1. gives effect to NPSFM as required by section 67(3) of the RMA, in particular: Objectives A1, A2, and A3, and Policies A1 and A2.
  - 6.12.2. in the coastal environment, gives 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, 21 and 23.

- 6.12.3. gives effect to SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1, WQUAL.2 and RURAL.2 and Policies WQUAL.1, WQUAL.2, WQUAL.5 and RURAL.3.

Policy 13 – Management of land use activities and discharges

- 6.13. I support the relief sought as I consider the decision puts unnecessary emphasis on ‘primary production’ in Policy 13. I do not agree that placing emphasis on one sector is appropriate.
- 6.14. The relief sought by the appellant:
- 6.14.1. gives effect to NPSFM as required by section 67(3) of the RMA, in particular: Objective A4.
- 6.14.2. gives effect to the SRPS as required by section 67(3) of the RMA in particular: Objectives WQUAL.1 and RURAL.1, and Policies WQUAL.1 and RURAL.1.

Policy 15 – Maintaining and improving water quality

New Policy 15A – Maintain water quality where standards are met.

New Policy 15B – Improving water quality where standards not met, and

New Policy 15C – Maintaining or improving water quality after FMU processes

- 6.15. I support the relief sought as the decision version Policies do not provide certainty that water quality will be maintained or improved.
- 6.16. The relief sought by the appellant:
- 6.16.1. gives effect to the NPSFM as required by section 67(3) of the RMA in particular: Objective A1, Objective A2, and Policy A1.
- 6.16.2. 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.
- 6.16.3. gives effect to the SRPS as required by section 67(3) of the RMA 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

- 6.17. I support seeking restriction of further intensification to ensure water quality is maintained and improved.
- 6.18. The relief sought by the appellant:
- 6.18.1. gives effect to NPSFM as required by section 67(3) of the RMA, in particular: Objectives A1, A2, A3, and A4 and Policies, A1, A4, and A5.
- 6.18.2. gives 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, 21 and 23.
- 6.18.3. gives effect to SRPS as required by section 67(3) of the RMA, 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.

New Policy 17A – Community sewerage schemes and on-site wastewater systems

- 6.19. I support the relief sought as it provides certainty that community sewerage schemes will be required to implement measures to reduce overflows.
- 6.20. The relief sought by the appellant:
- 6.20.1. gives effect to NPSFM as required by section 67(3) of the RMA, in particular: Objectives A1, and A2, and Policy A1.
- 6.20.2. gives 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, 21 and 23.
- 6.20.3. gives effect to SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1, WQUAL.2, and WQUAL.3, and Policies WQUAL.1, WQUAL.2, WQUAL.3, WQUAL.9, WQUAL.10.

Policy 20 – Management of water resources

- 6.21. I support the relief sought as I consider that the decision puts unnecessary emphasis on ‘primary production’ in Policy 20. I do not agree that placing emphasis on one sector is appropriate.
- 6.22. The relief sought by the appellant:
- 6.22.1. gives effect to NPSFM as required by section 67(3) of the RMA, in particular: Objective B5.

- 6.22.2. gives effect to the SRPS as required by section 67(3) of the RMA in particular: Objectives WQUAN.1 and RURAL.1, and Policies WQUAN.1 and RURAL.1.

Policy 29 – Provide for the extraction of gravel

- 6.23. I support the relief sought as restoration may not be appropriate to protect habitat of threatened indigenous fauna e.g. black billed gulls.
- 6.24. The relief sought by the appellant:
- 6.24.1. is 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.
- 6.24.2. gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives BRL.1, BIO.2 and BIO.3, and Policies BRL.1, BRL.3, BIO.2 and BIO.4.

Policy 39A – Integrated Management

- 6.25. I submitted<sup>33</sup> seeking that the policy be retained as notified. I support the relief sought to reinstate ‘to improve’.
- 6.26. The relief sought by the appellant:
- 6.26.1. is 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(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.
- 6.26.2. gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objective C1.
- 6.26.3. 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 and 4.

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<sup>33</sup> Submission Point 210.70

- 6.26.4. gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objective WQUAL.1, and Policy WQUAL.12

Rule 15 – Discharge of stormwater

- 6.27. I further submitted<sup>34</sup> in support of the appellant’s submission on Rule 15.
- 6.28. The relief sought by the appellant:
- 6.28.1. is 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(a) natural character of wetlands, lakes, rivers, coastal environment and their margins; section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna and section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.
- 6.28.2. gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objective A1.
- 6.28.3. 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, and 23.
- 6.28.4. gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1 and TW.3, and Policy WQUAL.1 and TW.5.

Rule 28 – Discharges of liquid from waterless composting toilet systems

- 6.29. I further submitted<sup>35</sup> in support of the appellants submission on Rule 28.
- 6.30. The relief sought by the appellant:
- 6.31. is 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(a) natural character of wetlands, lakes, rivers, coastal environment and their margins; section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna and section 6(e) the

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<sup>34</sup> Further submission on point: Nga Rūnanga and TRONT 797.36

<sup>35</sup> Further submission on point: Nga Rūnanga and TRONT 797.43

relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.

- 6.32. gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objective A1.
- 6.33. 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, and 23.
- 6.34. gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1 and TW.3, and Policy WQUAL.1 and TW.5.

#### Rule 29 -Discharges of aerobically composted human excreta

- 6.35. I further submitted<sup>36</sup> in support of the appellants submission on Rule 29.
- 6.36. The relief sought by the appellant:
  - 6.36.1. is 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(a) natural character of wetlands, lakes, rivers, coastal environment and their margins; section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna and section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.
  - 6.36.2. gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objective A1.
  - 6.36.3. 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, and 23.
  - 6.36.4. 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.

#### New Rule 35A – Feed pads/lots

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<sup>36</sup> Further submission on point: Nga Runanga and TRONT 797.44

- 6.37. I further submitted<sup>37</sup> in support of the appellant's submission on Rule 35A.
- 6.38. The relief sought by the appellant:
- 6.38.1. is 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(a) natural character of wetlands, lakes, rivers, coastal environment and their margins.
  - 6.38.2. gives effect to the NPSFM as required by section 67(3) of the RMA in particular: Objective C1.
  - 6.38.3. 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.
  - 6.38.4. gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1 and WQUAL.2 and Policies WQUAL.1 and WQUAL.2.

New Rule 52A – Manapōuri Hydro-electric Generation Scheme

- 6.39. I support the change in activity status sought by the appellant as it appropriately recognises the national importance of the Manapōuri Power Scheme while also recognising the significant adverse effects of the Scheme on the Waiau Catchment.
- 6.40. The relief sought by the appellant:
- 6.40.1. gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objectives B1 and B4, and Policy B5.
  - 6.40.2. gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAN.2 and Policies WQUAN.1 and WQUAN.2.

Rule 74 – Wetlands

- 6.41. I support the relief sought by the appellant as this will ensure that the values associated with natural wetlands are protected. I also support excluding the removal of indigenous vegetation for mahinga kai purposes.

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<sup>37</sup> Further submission on point: Nga Rūnanga and TRONT 797.46



- 6.42. The relief sought by the appellant is:
- 6.42.1. is 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(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.
  - 6.42.2. gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objectives B1 and B4.
  - 6.42.3. 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 2, 5, 11, and 13.
  - 6.42.4. 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.

Rule 78 – Weed and sediment removal for drainage maintenance

- 6.43. I further submitted in support of the appellant's submission<sup>38</sup>. I support the inclusion of taonga species in the Rule.
- 6.44. The relief sought by the appellant:
- 6.44.1. is 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(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.
  - 6.44.2. gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objective A1.
  - 6.44.3. 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 and 21.

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<sup>38</sup> Submission Point 210.95, Further submission point on Nga Rūnanga and TRONT 797.52

- 6.44.4. gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1 and TW.4.

Appendix A – Regionally Significant Wetlands and Sensitive Water Bodies in Southland

- 6.45. I support clarification of the sensitive waterbodies to be included in Appendix A.
- 6.46. The relief sought by the appellant:
- 6.46.1. is consistent with Part 2 of the RMA by achieving the sustainable management purpose in section 5; and failing to 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.
- 6.46.2. gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objective A1.
- 6.46.3. 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.
- 6.46.4. gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objective WQUAL.1 and Policy WQUAL.3.

Appendix E – Receiving Water Quality Standards

- 6.47. I support removing the exclusion of the Manapōuri Hydro-electric Generation Scheme from the water quality standards. Water quality effects from the scheme affect the lower Waiiau River, and parts of Lake Manapōuri including the Lower Waiiau Arm.
- 6.48. The relief sought by the appellant:
- 6.48.1. is 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(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.

- 6.48.2. gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objectives A1 and A2, and Policy A1.
- 6.48.3. 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.
- 6.48.4. gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1, WQUAL.2 and WQUAL.3, and Policy WQUAL.1, WQUAL.2, and WQUAL.6.

#### Appendix N – Farm Environmental Management Plan Requirements

- 6.49. My further submission<sup>39</sup> supported the appellant's submission on Appendix N. I support the relief sought by the appellant as it will require Farm Environmental Management Plans to recognise areas of significant indigenous biodiversity where these are on-farm.
- 6.50. The relief sought by the appellant:
  - 6.50.1. is 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(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.
  - 6.50.2. gives effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objectives A1.
  - 6.50.3. 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, and 13.
  - 6.50.4. gives effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1, BIO.1 and BIO.2, and Policy BIO.1.
- 7. I oppose the relief sought in the appeal with respect to New Objective 9B, Policy 17 and New Policy 26A. The reasons for opposing the relief sought are as follows:

#### New Objective 9B

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<sup>39</sup> Further submission point on Nga Rūnanga and TRONT 797.60.

- 7.1. On appeal point 8 I oppose deleting Objective 9B as it partly gives effect to the SRPS as required by section 67(3) in particular: Policy INF.1.

Policy 17 – Agricultural effluent management

- 7.2. I oppose the relief sought at appeal point 17 on Policy 17.1, as this does not provide certainty that water quality will be maintained or improved.
- 7.3. The relief sought by the appellant:
- 7.3.1. fails to give effect to the NPSFM as required by section 67(3) of the RMA, in particular: Objectives A1 and A2, and Policy A1.
- 7.3.2. in the coastal environment, fails to 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.
- 7.3.3. fails to give effect to the SRPS as required by section 67(3) of the RMA, in particular: Objectives WQUAL.1, Objective WQUAL.2, Policy WQUAL.1 and WQUAL.2.

New Policy 26A - Infrastructure

- 7.4. I oppose deleting Policy 26A as it gives effect to the SRPS as required by section 67(3) in particular: Policy INF.1. However, I support clarification of the policy.
8. I agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated the 22<sup>nd</sup> of June 2018



Aaron Fleming, Director Operations, Southern South Island Region

Pursuant to delegated authority from the Director-General of Conservation<sup>40</sup>

*Address for service of interested party:*

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<sup>40</sup> 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

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](mailto:aching@doc.govt.nz)

Pene Williams, Senior Solicitor – Legal Services

Ph: 03 474 6902

Email: [pwilliams@doc.govt.nz](mailto:pwilliams@doc.govt.nz)