

BEFORE THE ENVIRONMENT COURT

I MUA I TE KOOTI TAIAO O AOTEAROA

AT CHRISTCHURCH

ENV – 2018 – CHC – 000030

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

Wilkins Farming Company 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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Christchurch 8140

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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 Wilkins Farming Company Limited (the appellant), ENV – 2018 – CHC – 000030 (the notice).
2. I made a submission¹ and further submission on the proposed Plan, in particular on the Physiographic Zone Policies and Appendix L.5 Groundwater Allocation².
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:

Physiographic Zone Policies (Policies 4 – 12)

- 5.1 In appeal topic 1 of its notice, the appellant appeals that part of the decision dealing with the Physiographic Zone Policies and seeks that the relevant wording in the policies is amended to read (new wording underlined):

“decision makers generally not granting resource consents for land uses which contribute to contaminant losses exceeding the applicant’s five-year average of lawful contaminant discharge prior to the date of the plan being effective”.

Appendix L.5 Groundwater Allocation

- 5.2 In appeal topic 3 of its notice, the appellant appeals that part of the decision dealing with Appendix L.5 Groundwater Allocation and questions the relevance of and rationale behind the primary allocation groundwater figures.
- 5.3 The appellant seeks:

“That the groundwater restrictions should be based on a transparent and consistent formula applied fairly across all ground water zones. This is to demonstrate that the water abstraction does not have significant detrimental effects on the aquifer level using the existing pump test and ongoing well, piezo

¹ Submission Points 210.43- 210.51

² Further submission Environment Southland Submission Point 247.29

and flowmeter monitoring techniques. The use of random or arbitrary figures is not appropriate. What would be more appropriate is to use information obtained from such a formula suggested applied in a local context factoring in a local context factoring in KNOWN environmental risks and resource availability". [original emphasis]

6. I oppose the relief sought in the appeal with respect to Physiographic Zone Policies. The reasons for opposing the relief sought are as follows:

Physiographic Zone Policies

- 6.1. I oppose the relief sought as recognising existing losses of contaminants to water fails to manage adverse effects of activities on water quality and freshwater and coastal ecosystems.
- 6.2. The relief sought by the appellant:
- 6.2.1. is contrary to Part 2 of the RMA by not achieving the sustainable management purpose in section 5; and failing to recognize and provide for matters of national importance including: section 6(a) natural character of wetlands, lakes, rivers and coastal environment and their margins and section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.
- 6.2.2. is contrary section 10(4)(a) of the RMA.
- 6.2.3. fails to give effect to the National Policy Statement for Freshwater Management (NPSFM) as required by section 67(3) of the RMA, in particular: Objectives A1 and A2.
- 6.2.4. 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.
- 6.2.5. fails to give effect to the Southland Regional Policy Statement (SRPS) as required by section 67(3) of the RMA, in particular: Objectives WQUAL.2 WQUAL.3 and Policies WQUAL.2, WQUAL.3, WQUAL.5 and WQUAL.6.

Appendix L.5 Groundwater Allocation

- 6.3. I am concerned that the over estimation of annual rainfall recharge of groundwater will result in too much groundwater being allocated. Such an
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overallocation can result in a significant reduction of the flow of spring fed creeks. In the case of riparian aquifers increased recharge from a neighbouring river could occur. Reduction or loss of life supporting capacity of freshwater ecosystems can occur.

6.4. The relief sought by the appellant:

6.4.1. is contrary to Part 2 of the RMA by not achieving the sustainable management purpose in section 5; and failing to recognize and provide for matters of national importance including: section 6(a) natural character of wetlands, lakes, rivers and coastal environment and their margins and section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

6.4.2. fails to give effect to the NPSFM 2017 as required by section 67(3) in particular: Objectives B1, B2, B4, B5 and Policies B1 and B5.

6.4.3. fails to give effect to the SRPS as required by section 67(3) in particular: Policies WQUAN.1, WQUAN.2 and WQUAN.3.

6.5. I have separately appealed part of Appendix L.5 Table L.4 in relation to the Te Anau zone Groundwater Allocation Zone, seeking the limit be restored to the notified limit (ENV-2018-CHC-00036). The relief sought by the appellant is inconsistent with the relief sought in my appeal.

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 Conservation³

Address for service of interested party:

³ 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
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