BEFORE THE ENVIRONMENT COURT

I MUA I TE KOOTI TAIAO O AOTEAROA

AT CHRISTCHURCH

IN THE MATTER	Of the Resource Management Act 1991
AND	of an appeal under clause 14 of the First Schedule of the Act
BETWEEN	Royal Forest and Bird Protection Society of New Zealand Inc
	(ENV-2018-CHC-50)
AND	Southland Fish and Game Council
	(ENV-2018-CHC-37)
	Appellants
AND	SOUTHLAND REGIONAL COUNCIL
	Respondent

WILL SAY STATEMENT OF BEN FARRELL IN RELATION TO MATTERS FOR EXPERT CONFERENCING ON 6 & 7 AUGUST 2020

Dated 3 August 2020

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Provision	Wording	The reasons for my preferred provisions are:
Objective 6	Water quality in each freshwater body**, <u>coastal lagoon and estuary</u>** will be: (a) Maintained where the water quality is not degraded; and (b) Improved where the water quality is degraded by human activities.	As set out in Matthew McCallum Clark ("MMC") evidence
Objective 9/9A	The quantity of water in surface water bodies is managed so that: (a) the aquatic ecosystem health, **life-supporting capacity,** the values of outstanding natural features and landscapes, the natural character and historic heritage values of waterbodies and their margins are safeguarded; (b) there is integration with objectives for freshwater quality (including the safeguarding of human health for recreation); and (c) provided that (a) and (b) are met, surface water is sustainably managed, in accordance with Appendix K to support the reasonable needs of people and communities to provide for their economic, social and cultural wellbeing.	Retain 'life-supporting capacity'. Life-supporting capacity encompasses the extent or quantum of habitat available, a factor that is not covered by 'aquatic ecosystem health'. While the terms are synonymous in the freshwater quality context, in the quantity/habitat context they have different meanings. The consequences of deleting the reference to life-supporting capacity are unclear because the limited technical evidence already given relates to water <u>quality</u>. No evidence relating to life-supporting capacity in the context of water quantity/habitat has been produced.
Objective 9B	Issues: Page 17: Some of these activities can have positive effects on the natural environment, for example, bridges and culverts allow access across a river without disturbing the bed. Others activities, such as infrastructure, are important to enable people and communities **to provide for their have important** economic**, cultural,** and social **wellbeing benefits, for example, erosion control works protect community assets**. **However, These** activities **in the beds of rivers and lakes** can also have adverse effects on the environment, including generating sediment, disturbing habitat and preventing fish passage. Objective 9B – to be determined no change to interim decision	As set out in MMC evidence
Objectives 13, 13A and 13B	<u>Land and soils may be ~~are~~ used and developed to enable the economic, social and cultural wellbeing of the region provided that:</u> (a) the quantity, quality and structure of soil resources are not irreversibly degraded through land use activities or discharges to land; and	Restructured for reasons set out in MMC evidence, but with "are" changed to "may be" to ensure that the objective enables rather than requires the use and development of land.

	(b) the health of people and communities is safeguarded from the adverse effects of discharges of contaminants to land and water; and (c) ecosystems (including indigenous biological diversity and integrity of habitats), are safeguarded. ~~then land and soils are used and developed to enable the economic, social and cultural wellbeing of the region~~	
Objective 14	The range and diversity of indigenous ecosystems~~ types~~ and habitats within rivers, estuaries, wetlands and lakes, including their margins, and their life-supporting capacity are maintained or enhanced.	I support retaining "life-supporting capacity" for reasons set out above in relation to Objective 9/9A
Objective 17	Preserve the natural character values of wetlands, rivers, lakes and their margins, including channel and bed form, rapids, seasonably variable flows and natural habitats ~~that are of significance to the region~~, and protect them from inappropriate use and development.	As set out in MMC evidence.
Objective 18	All persons will demonstrate improved land use and water management practice.	I do not support the reference to Te Mana o te Wai and ki uta ki tai proposed by MMC because it could be read as meaning those outcomes are achieved solely through improved land use and water management practices. Deletion of the concept inherent in this objective is not supported as this objective is intended to drive positive change. However, I could support this objective being reframed as a policy.
Policy 3 – Ngāi Tahu ki Murihiku taonga species	To manage activities that adversely affect taonga species, identified in Appendix M, and their related habitats.	MMC's evidence refers to cultural indicators of health and a link sought by Forest & Bird/Fish & Game. In my opinion, when cultural indicators of health are considered and incorporated into the pSWLP in Topic B, it will be necessary to make the appropriate links to Topic A provisions. This may involve amendment of Policy 3. I do not otherwise consider amendments to Policy 3 are required at this stage.

Policy 4 – Alpine	In the Alpine physiographic zone: 1. avoiding ~~where practicable~~, as a first priority, risk to water quality from erosion and contaminants, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised by: i. identifying contaminant pathways to ground and surface water bodies; ii. requiring implementation of good management practices to manage erosion and adverse effects on water quality from contaminants transported via overland flow; iii. having particular regard to adverse effects of contaminants transported via overland flow when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and 2. prohibiting dairy farming and intensive winter grazing and avoiding cultivation where contaminant losses will increase as a result of the proposed activity.	As set out in MMC evidence
Policy 5 – Central Plains	In the Central Plains physiographic zone: 1. avoid **~~where practicable~~, as a first priority,** risk to water quality from contaminants**, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised** by: i. identifying contaminant pathways to ground and surface water bodies; ii. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage and deep drainage; iii. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage and deep drainage when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and 2. avoid dairy farming **~~of cows~~** and intensive winter grazing where contaminant losses will increase as a result of the proposed activity.	As set out in MMC evidence
Policy 6 – Gleyed	In the Gleyed physiographic zone avoiding **~~where practicable~~, as a first priority,** risk to water quality from contaminants**, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised** by: 1. identifying contaminant pathways to ground and surface water bodies; 2. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant; and 3. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant when	As set out in MMC evidence

	assessing resource consent applications and preparing or considering Farm Environmental Management Plans.	
Policy 7 - Bedrock/Hill Country ~~and Lignite-Marine Terraces~~[5]	In the Bedrock/Hill Country ~~and Lignite-Marine Terraces~~ physiographic zone avoiding ~~where practicable~~**, as a first priority,** risk to water quality from contaminants**, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised** by: 1. identifying contaminant pathways to ground and surface water bodies; 2. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant; and 3. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans.	As set out in MMC evidence
Policy 8 – Lignite-Marine Terraces	In the Lignite-Marine Terraces physiographic zone avoiding ~~where practicable~~**, as a first priority,** risk to water quality from contaminants**, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised** by: 1. identifying contaminant pathways to ground and surface water bodies; 2. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant; and 3. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans.	As set out in MMC evidence
Policy 9 – Old Mataura	In the Old Mataura physiographic zone: 1. avoiding ~~where practicable~~**, as a first priority,** risk to water quality from contaminants**, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised** by: i. identifying contaminant pathways to ground and surface water bodies; ii. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage; iii. having particular regard to adverse effects on water quality from contaminants transported via deep drainage when assessing resource consent applications	As set out in MMC evidence

	and preparing or considering Farm Environmental Management Plans; and 2. avoid dairy farming ~~**of cows**~~ and intensive winter grazing where contaminant losses will increase as a result of a proposed activity.	
Policy 10 – Oxidising	In the Oxidising physiographic zone: 1. avoiding ~~**where practicable**~~**, as a first priority,** risk to water quality from contaminants**, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised** by: i. identifying contaminant pathways to ground and surface water bodies; ii. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant; iii. having particular regard to adverse effects on water quality from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and 2. avoiding dairy farming ~~**of cows**~~ and intensive winter grazing where contaminant losses will increase as a result of a proposed activity.	As set out in MMC evidence
Policy 11 – Peat Wetlands	In the Peat Wetlands physiographic zone: 1. avoiding ~~**where practicable**~~**, as a first priority,** risk to water quality from contaminants**, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised** by: i. identifying contaminant pathways to ground and surface water bodies; ii. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, deep drainage, and lateral drainage; iii. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, deep drainage, and lateral drainage when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and 2. avoiding dairy farming ~~**of cows**~~ and intensive winter grazing where contaminant losses will increase as a result of a proposed activity.	As set out in MMC evidence
Policy 12 – Riverine	In the Riverine physiographic zone: 1. avoiding ~~**where practicable**~~**, as a first priority,** risk to water quality from contaminants**, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised** by:	As set out in MMC evidence

	i. identifying contaminant pathways to ground and surface water bodies; ii. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant; iii. having particular regard to adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and 2. avoiding dairy farming **of cows** and intensive winter grazing where contaminant losses will increase as a result of a proposed activity.	