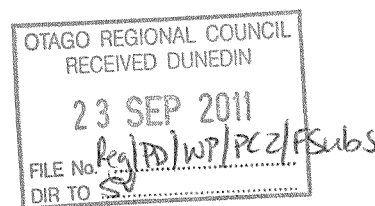


Otago Fish and Game Council
PO Box 76
Dunedin

23/09/2011



Dear Sir / Madam

Re: Further Submissions on Proposed Plan Change 2 (Regionally Significant Wetlands) to the Regional Plan: Water for Otago.

Thank you for the opportunity to provide further submissions on this proposed plan change. I have structured this in the order of submissions received by date. For those wishing to see Otago Fish and Game's comments related to their submission, a table of contents is provided below in order for people to locate specific comment relating to them.

Fish and Game has proposed the idea of a regional Wetlands Committee, to undertake assessments of wetlands and wetland activities under the permitted and controlled activity rules. This could go some way to resolving the conflict between the new rules and existing wetland activities, such as drain clearance, and wetland enhancement. This may be outside of the scope of these further submissions ("no new material raised"), but I will discuss this concept at the hearing, and maybe before with interested people.

Aside from this, I am happy to discuss any of these concerns with individual submitters prior to the hearing, in the interests of ensuring a more worthwhile process. Otago's wetlands matter, and if aspects where there is currently disagreement can be sorted out by the parties prior to the hearing, the result will be a better plan.

Yours sincerely,

Peter Wilson
MPlan, BSc(Geog), GradNZPI
Environmental Officer
Otago Fish and Game Council

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Submitter Number: 1
 Submitter Name: Deanne and Steve Amende
 Ref: 14 – Support

Otago Fish and Game supports these concerns. Fish and Game have undertaken a site visit to the Akatore wetland with these landowners and support their goals to enhance the wetland. As it stands, the Rules on Regionally Significant wetlands do not encourage landowners who wish to enhance wetlands. Instead, landowners such as the Amende’s who have goals to enhance a wetland are treated in the same category as those who drain and develop wetlands, and will incur significant resource consent costs over and above the cost of restoration.

One possible solution is to appoint a Wetland Committee, consisting of ORC, DOC, Fish and Game, and farmer representatives to consider applications relating to wetlands and to advise on their status. The Hawkes Bay Regional Council currently use this approach to decide whether an activity is helpful or harmful to a wetland, in conjunction with their permitted activity rules.

Ref: 104 - Oppose

Otago Fish and Game opposes this requested decision because it believes that this wetland is regionally significant, especially due to its coastal location. It should remain under its current boundaries. If the issues around consent costs for the enhancement of wetlands were resolved then there would probably be no opposition or requests for boundary changes on the part of these landowners.

Relief sought:

None

Submitter Number: 2

Submitter Name: Treble Cone Investments Ltd

Ref: 7.139, 153-151 – Oppose requested decisions

Otago Fish and Game strongly requests that this requested decision be disregarded. Alpine wetlands in Otago are a threatened habitat for paradise shelduck, one of the gamebird species managed by Fish and Game. There is no reason to remove them from this blanket protection on the basis of existing skifield operations in a few locations. Furthermore, Otago Fish and Game understands that the existing consenting regime and plan rules in relation to the development of snow-making water ponds works well, and that there is no reason to make the rules more permissive. There will be areas where ponds can be built, and areas where they can't, and Council should reserve its discretion on these matters

Submitter Number: 3

Submitter Name: Wenita Forest Products Ltd

Ref: 145 – Support

Otago Fish and Game supports Wenita Forest Products Ltd's support for the wetland plan change.

Ref: 201 – Support with conditions

Otago Fish and Game supports Wenita's attempts to redefine the boundary of the wetland away from existing trees, but only if this boundary can be agreed, and if the resultant change to wetland boundaries is small. Fish and Game is reluctant to see wetland habitat slowly drained through the spread of trees adjacent to forestry land.

Submitter Number: 4

Submitter Name: Martin and Barbara Palmer

Ref: 287: - Support

Otago Fish and Game supports this requested decision. Coutts Gully Wetland is a more appropriate name. As stated in our original submission, and in correspondence prior to that, the wetland boundaries are not clear, and can lead to confusion such as this. Fish and Game can support an amended boundary after a site visit to determine that the areas grazed are not affecting the wetland. The mapping needs to be undertaken at a small scale as well as at the existing 1:50,000 scale in order for landowners to understand where their responsibilities are.

Submitter Number: 5

Submitter Name: Solid Energy New Zealand Ltd

Ref: 7.139 – Oppose

Otago has already lost most of its wetlands, and to subject those that remain above 800 metres to a further ecological assessment prior to deeming them regionally significant risks creating fierce and lengthy debate over the merits of individual alpine wetlands. Our understanding is that this plan change was brought about in order to provide certainty about wetlands. To subject wetlands to yet another contested protest is contrary to the purposes of this plan change. Furthermore, no one industry should be able to take precedence over the ecological characteristics of a wetland – those considerations are best dealt with at the time of application for resource consent.

Ref: 145 - Support

Submitter Number: 6

Submitter Name: Geoffrey Thomson

Ref: 235,274 – Oppose

Fish and Game understands that this land is likely to be freeholded as part of the tenure review process, and is working this issue through with the landowner currently as part of this process. We do not want to see the boundary of the wetland values reduced further as is proposed here. A portion of the area with wetland values has been damaged in the past due to grazing, and further encroachment on this regionally significant trout fishery would be harmful to its values. There may be a solution to this prior to the hearing, but for now, Fish and Game remains opposed. The boundaries in the current water plan, excepting that around the Earnslaw Burn

Submitter Number: 7
Submitter Name: S H Andrews and Sons Ltd
Ref: 148 – Oppose

There is no precedent under the RMA, or its predecessor the Town and Country Planning Act for compensation due to “lost property rights”. This is a well-established principle in New Zealand law.

Ref: 168 – Oppose

Fish and Game can understand farmer concern regarding maintenance of existing drains. One of the reasons we have pushed for better quality mapping is to define existing drains on a fine scale, and then allow for their continued maintenance as a permitted activity. If this work was to occur, then Fish and Game could support existing drain clearance as a permitted activity. Sadly, our past experience across Otago has shown that new drains are often built around wetlands, and whilst this continues, we must support the tougher rule.

As with other farmer submissions, Fish and Game would like to raise the possibility of the establishment of a wetlands committee which can assess activities that can take place on wetlands, such as the maintenance of drains, under permitted or controlled activity rules. The wetland committee would be made up of elected councillors, a Fish and Game and Federated Farmers representative, as well as any other people who might be needed. The Hawkes Bay Regional Council works on this model, and it works well, with good landowner support.

Ref: 361 – Oppose

This reason isn't sufficient for declining regionally significant wetland protection. One of the most important components of a wetland is storage of waters received during flood events. Interestingly, this is the value that should be most recognised by farmers, as this contributes to better downstream river flow during dry periods. Fish and Game strongly recommends that the wetland boundaries be left as they currently are.

Submitter Number: 9
Submitter Name: Graeme John Hagen
Ref: 323 – Oppose

Otago Fish and Game wishes to see all of the current wetland boundary for the Pleasant River Estuary remain. The presence of grazing if it is incompatible with the ecology of the wetland is not sufficient reason for the boundary to be redrawn – it is through this process that most of Otago's wetlands have already disappeared, a situation which must cease.

As with other farmer submissions, Fish and Game would like to raise the possibility of the establishment of a wetlands committee which can assess activities that can take place on

wetlands, such as the maintenance of drains, under permitted or controlled activity rules. The wetland committee would be made up of elected councillors, a Fish and Game and Federated Farmers representative, as well as any other people who might be needed. The Hawkes Bay Regional Council works on this model, and it works well, with good landowner support.

Submitter Number: 10

Submitter Name: Wayne Allen and Rochelle Ann Hagen

Ref: 323 – Oppose

Otago Fish and Game wishes to see the current wetland boundary for the Pleasant River Estuary remain. The presence of grazing if it is incompatible with the ecology of the wetland is not sufficient reason for the boundary to be redrawn – it is through this process that most of Otago's wetlands have already disappeared, a situation which must cease.

As with other farmer submissions, Fish and Game would like to raise the possibility of the establishment of a wetlands committee which can assess activities that can take place on wetlands, such as the maintenance of drains, under permitted or controlled activity rules. The wetland committee would be made up of elected councillors, a Fish and Game and Federated Farmers representative, as well as any other people who might be needed. The Hawkes Bay Regional Council works on this model, and it works well, with good landowner support.

Submitter Number: 11

Submitter Name: NZSki Limited

Ref: 7.139 – Oppose

As with Solid Energy's request to remove alpine wetlands from the schedule, Fish and Game is opposed to this. The burden of proof to prevent ecological damage to wetlands needs to remain on the applicant, rather than on Council, as the knowledge of the functioning of wetlands is always increasing. Furthermore, the submitter states that their planning regime is sound, which would presumably mean that it is having little impacts on wetlands. Why then reduce the rule?

Submitter Number: 12
Submitter Name: David Jopp
Ref: 356

This reason isn't sufficient for declining regionally significant wetland protection. One of the most important components of a wetland is storage of waters received during flood events. Interestingly, this is the value that should be most recognised by farmers, as this contributes to better downstream river flow during dry periods. Fish and Game strongly recommends that the wetland boundaries be left as they currently are.

As with other farmer submissions, Fish and Game would like to raise the possibility of the establishment of a wetlands committee which can assess activities that can take place on wetlands, such as the maintenance of drains, under permitted or controlled activity rules. The wetland committee would be made up of elected councillors, a Fish and Game and Federated Farmers representative, as well as any other people who might be needed. The Hawkes Bay Regional Council works on this model, and it works well, with good landowner support.

Submitter Number: 13
Submitter Name: River Estuary Care: Waikouaiti-Karitane
Ref: 150 - Support

Fish and Game supports this request, as it is similar to our own request. There is not enough information within the current proposed plan change on the ecological values of wetlands.

Ref: 153,240,300,302,365,400 – Support. The inclusion of the four wetlands into Schedule 9 is similarly commended by Otago Fish and Game.

Submitter Number: 14
Submitter Name: Waitaki District Council
Ref: 151: Support

This isn't quite the intention of the Waitaki District Council. What they stated in their submission was that they have a non-regulatory list of wetlands, as well as a non-regulatory list of values. What the ORC is proposing is a non-regulatory list of values (which Fish and Game opposes, preferring to see those values listed in the plan). It is possible that the ephemeral wetlands formerly in Schedule 10 could still be listed in a non-regulatory wetland inventory that can be taken into account any time consent is applied for. Fish and Game will certainly be retaining the old Schedule 10 information for its own decision making.

Ref: 199: Support in part

We support the improved mapping, but still note that it does not go far enough to alleviate either our concerns or the concerns of landowners.

Submitter Number: 15

Submitter Name: Cardrona Alpine Resort

Ref: 7.139 - Oppose

As with NZSki Limited and Solid Energy's request to remove alpine wetlands from the schedule, Fish and Game is opposed to this.

Ref: 153,155,156 – Oppose.

The submitter makes no case that protecting all wetlands above 800 metres in Otago will affect the economics of the skifield industry. In fact, it is quite likely that of all the industries in Otago operating above 800 metres, that the skifield industry can afford to undertake proper planning of operations to limit their effects on alpine wetlands. The NZSki Limited submission states this already.

Ref: 161 – Neutral

Otago Fish and Game would like to understand more about the possible positive effects of snowmaking systems on alpine wetlands.

Submitter Number: 16

Submitter Name: Te Ao Marama Inc

Ref: 154 – Support

Otago Fish and Game strongly supports the proposed amendment to include wetland, lake and river margins in the plan.

Submitter Number: 17

Submitter Name: William Thomas Begg

Ref: 124 – Support in part

On the face of this, this request appears reasonable. Perhaps the removal of exotic material from wetlands could be considered as for controlled activity status provided that certain requirements were met around damage to sensitive banks from heavy machinery etc.

Ref: 148 – Oppose

Fish and Game believes that with farming comes an environmental responsibility, and whilst some assistance may be provided for fencing from various funds, requesting rates relief simply because there is a wetland on one's property is a step too far.

Ref: 339 – Oppose

If the request made in ref 124 above is granted, then there would be no need for this wetland boundary change to be made as exotic timber could be harvested. Intensive agriculture within wetlands is not compatible with their values, although light grazing may be compatible in some areas.

As with other farmer submissions, Fish and Game would like to raise the possibility of the establishment of a wetlands committee which can assess activities that can take place on wetlands, such as the maintenance of drains, under permitted or controlled activity rules. The wetland committee would be made up of elected councillors, a Fish and Game and Federated Farmers representative, as well as any other people who might be needed. The Hawkes Bay Regional Council works on this model, and it works well, with good landowner support.

Submitter Number: 18

Submitter Name: Trevor and Vivien Nimmo

Ref: 270 - Oppose

The Kemp Road lagoon is an important estuarine habitat for gamebirds. If anything this makes it more important, and it should remain in the proposed plan.

Submitter Number: 19

Submitter Name: Three Creeks Farm

Ref: 81 – Support in part

Fish and Game accepts that the wetland might be used for existing dairy farm effluent. Provided that the effluent flowing into the wetland (if any) is within environmentally acceptable limits, then it might be possible to accept this wetland without a setback. Some further plantings to further filter animal waste might be necessary.

Ref: 148,155 – Oppose

Aside from the cost of fence maintenance, it is hard to see how having a wetland on one's property can justify a claim for a 50% rates rebate, particularly if that wetland is actually helping to filter out leachate from the farm, as it may very well be doing.

Ref: 156 – Support in part

If the water take is from groundwater but occurs in the likely interface zone between the wetland and the aquifer, then it is possible that the take could affect the water level of the wetland. Fish and Game would need to know more about the quantity of water extracted before being prepared to accept this as an existing water take. Obviously the cost of moving the water take would not be justifiable.

Ref: 157 – Support in part

This could be remedied by mapping the existing drains at a fine scale and allowing for their maintenance as a permitted activity. Otherwise the submitter is correct – the cost of maintenance will be prohibitive and farmers may not seek consent.

Ref: 371 - Oppose

If the above changes are taken into account, then there will be no need to remove the wetland from the list. As with other farmer submissions, Fish and Game would like to raise the possibility of the establishment of a wetlands committee which can assess activities that can take place on wetlands, such as the maintenance of drains, under permitted or controlled activity rules. The wetland committee would be made up of elected councillors, a Fish and Game and Federated Farmers representative, as well as any other people who might be needed. The Hawkes Bay Regional Council works on this model, and it works well, with good landowner support.

Submitter Number: 20

Submitter Name: Lake Waihola Waipori Wetlands Society

Ref: 14 - Support

Fish and Game supports these comments. Financial incentives by way of resource consent fee relief and other similar measures must be included in this proposed plan. The ORC must also expand its efforts to educate the public on the benefits of wetlands. A good time to do this would be during dry periods, pointing out the benefits that they have in sustaining river flows.

Ref: 76 - Support

Fish and Game supports this amendment.

Ref: 77,78,79 – Support

There is an underlying philosophical concern with the proposed plan which this requested decision partially addresses. The plan as written appears to assume that all activities affecting wetlands will be for extractive use, rather than enhancement. At least one

landowner submitter (for example, submitter #1) who have plans to enhance wetlands, rather than drain or plough them, have already pointed this out.

The issue is how to address enhancement activities whilst at the same time protecting wetlands from further harm. A separate set of more permissive (either permitted or controlled activity) rules for enhancement of wetlands might help, but that of course assumes that only one type of activity is taking place in a wetland at a time. Any enhancement activity that also includes an extractive use would automatically fall back to a stricter test, probably discretionary or non-complying.

Of course, the issue with this approach is the definition of 'enhancement'. What might enhance one wetland may degrade another – it is very site specific.

A better way might be the establishment of a wetlands committee to advise on, under permitted or controlled activity status, the enhancement of wetlands, as well as ongoing uses, such as existing drains. The Hawkes Bay Regional Council uses this model effectively, and there is no reason why it wouldn't work here. The wetland committee would consist of representatives from the Otago Regional Council, Fish and Game, Federated Farmers, and the Department of Conservation.

A person wanting to enhance a wetland would contact the ORC, and the wetlands committee would assess it, and make recommendations on the best way forward, being empowered to do so under the new water plan rules.

For poisons, any poison that has a long term net benefit (including short term negative effects on non-target species) and does not bioaccumulate should be supported when the goal is wetland enhancement or control of pest species.

Ref: 118 – Support

There may be cases where light grazing of wetlands can be accommodated, but for the most part, grazing in wetlands needs to be tightly controlled.

Ref: 121 – Support

Both aquatic and terrestrial pests need to be included within this wetland plan. At the very least, the plan could reference the Regional Pest Management Strategy for this list.

Ref: 122 – Support

Native plantings in wetlands must be able to be carried out without resource consent being required. The exception would be areas of open water which are important for waterfowl habitat. In these cases the proposed Wetlands Committee could advise on a possible solution.

Ref: 125 – Support

Fish and Game support this list of pest plants being included as a controlled activity. However, as stated above, if people enhancing wetlands have to get resource consent at their own expense to undertake this work, then either they will just do it illegally, or the work won't be done. A provision for resource consent fee relief for enhancement work must be placed within this plan, or in other ORC documents.

Ref: 145, 154,164 – Support

Submitter Number: 21

Submitter Name: Save the Otago Peninsula Society Inc

Ref: 261,320 – Support

Ref: 600 – Support

Fish and Game supports (along the lines of Waitaki District Council's submission) the addition of a non-regulatory wetland schedule, containing the remnant wetlands in Schedule 10, plus other wetlands such as this one. This non-regulatory schedule can be referred to when resource consents are applied for adjacent to that wetland, although of course the regionally significant wetland rules will not apply.

Ref: 600 – Support

Fish and Game supports the inclusion of the Raupo swamp at Otakou

Submitter Number: 22

Submitter Name: Gavan James Herlihy

Ref: 22,45,60,120,157 - Support

Fish and Game support this. New drains in wetlands should require resource consent. Of course, one of the problems is how to deal with existing drains. There are two options as Fish and Game sees it:

- a) Map all existing drains and allow for their clearance as a permitted activity. This mapping exercise may be costly and time-consuming, but would provide clarity to landowners.
- b) Create a Wetlands Committee, consisting of representatives from the Otago Regional Council, Fish and Game, DOC, and Federated Farmers to discuss and approve activities relating to wetlands under permitted or controlled activity rules. This committee system works well for the Hawkes Bay Regional Council, and has resolved in a practical way many issues that can't effectively be written into plan rules.

Ref: 118 - Support

Fish and Game does need some clarification on this issue, as to exclude all grazing from wetlands, even light grazing at particular times of the year, may actually work against having landowner involvement in wetlands. More clarification is required.

Submitter Number: 23

Submitter Name: Maniototo Homestead

Ref: 144 - Oppose

These plan rules are needed to protect regionally significant wetlands into the future.

Ref: 232 – Oppose

The Cross Eden wetland is regionally significant, and should be included within the plan on its current boundaries.

Submitter Number: 24

Submitter Name: D W Lyders

Ref: 155,156 - Support

Fish and Game shares these concerns around how the wetland rules will apply to the restoration of wetlands. The rules have to be changed to be either more permissive on restoration, and/or for resource consent fee relief. An alternative is the idea of a wetlands committee undertaking wetland assessments and sign-off under permitted or controlled activity rules.

Submitter Number: 25

Submitter Name: Michael and Christine Holland

Ref: 155,156 - Support

There shouldn't be any need for land use changes adjacent to the wetland if it is already fenced and if the farming operation isn't causing any discharge into the wetland.

Ref: 364 – Support

Submitter Number: 26

Submitter Name: Yellow-eyed Penguin Trust

Ref: 200 – Support

The wetland plan needs a non-regulatory list of the former Schedule 10 wetlands not included in the new schedule, plus any new wetlands that are identified.

Submitter Number: 27

Submitter Name: Otago Conservation Board

Ref: 400 – Support

This requested decision is supported. At the very least, some basic ecological information should be provided for each wetland. To rely on ecological information from a non-statutory document is not sufficient.

Submitter Number: 28

Submitter Name: The Retreat Trust

Ref: 351 – Oppose

The Three Fens wetland is regionally significant and tussock is part of this wetland. It is possible that some existing drains could be allowed if these were clearly defined, but a site visit would be needed to determine this.

Submitter Number: 29

Submitter Name: Federated Farmers of New Zealand

Ref: 22 – Support in part

Otago Fish and Game can only support this amendment to restricted discretionary status provided that the matters under which Council has discretion include:

- a) Effects on water quality and quantity in the wetland after the abstraction; and
- b) Effects on water level and hydrological functioning of wetland; and
- c) Effects on waterfowl habitat

Otherwise the activity status should remain as discretionary.

Ref: 28 – Support in part

Otago Fish and Game understands the issues around existing drains, of which many landowners have already submitted on. There are two potential solutions:

- a) Map all existing drains and allow for their clearance as a permitted activity. This mapping exercise may be costly and time-consuming, but would provide clarity to landowners.
- b) Create a Wetlands Committee, consisting of representatives from the Otago Regional Council, Fish and Game, DOC, and Federated Farmers to discuss and approve activities including existing drains relating to wetlands under permitted or controlled activity rules. This committee system works well for the Hawkes Bay Regional Council, and has resolved in a practical way many issues that can't effectively be written into plan rules.

Ref: 45,60,64, – Support in part

Otago Fish and Game can only support this amendment to restricted discretionary status provided that the matters under which Council has discretion include:

- a) Effects on water quality and quantity after the abstraction; and
- b) Effects on hydrological functioning of wetland or aquifer; and
- c) Wetland recharge effects
- d) Effects on gamebird habitat resulting from any loss of areas of open water

Otherwise the activity status should remain as discretionary

Ref: 53,66,73,75,84,87,103,108,111,119 – Oppose

Wetlands cannot be easily created or transferred, and so to subject them to a test that is anything less than “adverse” will run the risk of off-setting or limited mitigation packages that ultimately add up to a loss or trading of individual wetland values. If the bar is set as high as possible then all parties will have to work to protect wetlands. Otago Fish and Game wants to see the area of wetlands in Otago to increase, and at worst case, remain static, rather than continue to endure the slow decline we have experienced up until now.

Ref: 96,97,99 – Support

Ref: 148 - Oppose

In most cases wetlands provide on-farm values as well as public values. Just because these values are not always identified and accounted for does not mean that they do not exist. To change this method suggests that they have no benefits aside from public benefits. It also suggests, and sends the message, that the rural community does not care about them, as they are unwilling to protect them themselves.

Ref: 148 – Support in part

Fish and Game supports non-regulatory measures to encourage landowners to look after wetlands. This can include offsetting of resource consent fees.

However, landowners may have a responsibility to contribute something towards fencing.

Ref: 151 – Oppose

This requested decision shows the issues involved with creating a non-regulatory list of values for wetlands. The values will become contested – as suggested here with appeal rights to the Environment Court – and as such, the document will have limited enforceability. It is far better to just place the lists of existing values where known into the plan. Ecological values do not change that fast (and if they are, something is wrong) that

they will become out of date in 10 years. An incomplete list of values is better than no values at all.

Ref: 155, 156 – Oppose

Ref: 162 – Oppose

This generic permitted activity status should remain, particularly to govern enhancement activities in wetlands that may occur. This will become an important part of the permitted and controlled activity regime if a Wetlands Committee is approved by Council.

Ref: 200 – Oppose

Fish and Game cannot support any redefinition of wetland boundaries without consultation with us first. Wetland boundaries change with seasons, and to shorten the boundaries risks having wet year areas excluded based on an arbitrary decision. The introduction of a Wetlands Committee, with a Federated Farmers representative, to approve existing activities that have little to no effect on wetlands could go some way to resolving this issue, which we understand is significant.

Submitter Number: 30

Submitter Name: Contact Energy Limited

Ref: 7.139 – Oppose

The onus of proof of the lack of significance of wetlands, especially alpine wetlands must remain on the developer or user of them, rather than on Council. It also seems odd that Contact Energy, who have no operations above 800 metres, but who rely on water flows coming from alpine wetlands, particularly in summer months would want to lessen their protection.

Ref: 10 – Oppose

The preservation of wetlands is a matter of national importance under section 6 of the RMA. Given that so many have been lost in Otago to date, it makes little sense to further reduce the definition of negative effects that have to be addressed if a wetland is used or modified. Fish and Game requests that the financial contributions policy be left as it is.

Ref: 22,45,60 – Oppose

Non-complying status sends a strong signal that regionally significant wetlands are to be protected.

Ref: 66 – Support in part

Otago Fish and Game can only support this amendment to restricted discretionary status provided that the matters under which Council has discretion include:

- a) Effects on water quality and quantity after the damming; and
- b) Effects on hydrological functioning of wetland or aquifer; and
- c) Wetland recharge effects
- d) Effects on gamebird habitat resulting from any loss of areas of open water

Otherwise the activity status should remain as discretionary

Ref: 154 – Support

Many artificially created wetlands are significant habitat for waterfowl, and Fish and Game supports this inclusion.

There is a philosophical issue with the plan change around artificial wetlands and the enhancement of wetlands. There are two ways to resolve this:

- a) Create a two tier system, with more permissive rules for the enhancement of existing wetlands or creation of new ones.
- b) Create a Wetlands Committee of experts and councillors (see elsewhere in this submission) that can advise on the creation of new wetlands, and their sign off as a permitted activity (or otherwise) under the existing proposed rules. This system works well in Hawkes Bay.

Ref: 155 – Support in part

Fish and Game supports any streamlining, recognising the different roles of local and regional councils under the RMA, but only if the purpose is to achieve better management, rather than reduce protection.

Note to Council – the next reference under 155 should probably be under 156 as it is a different issue.

Ref: 156,161 – Oppose

Wetlands cannot be moved or reinstated elsewhere, at least not with any easily definable criteria of success that relates back to the original wetland. Each wetland is unique and to recreate a community of plants and animals in another location would take many years. Fish and Game strongly opposes this suggestion.

Ref: 199, 200 – Oppose

Over two thirds of these wetlands currently exist either in Schedule 9 or Schedule 10. They do not need any further ecological assessment, and should be added to the plan as is. It is not up to the Council to prove endlessly that wetlands are important – it is up to developers and users to prove that their proposals will not harm them. Enough wetlands have been lost

through long processes of assessment, and what is in the plan is only a small subset of what once existed. Fish and Game strongly opposes this suggestion.

Ref: 400: Support

Fish and Game supports this – wetland values should be listed in the plan, and not in a separate, non-regulatory document. We agree with Contact Energy that subjecting this information to a non-public process is probably *ultra vires*.

Submitter Number: 31

Submitter Name: Brookhouse Farm Limited

Ref: 277 - Oppose

Fish and Game is concerned about land use intensification encroaching on Lake Tuakitoto, and has raised these concerns with the regional council in the past. The wetland draining has been happening under the existing rule, and Fish and Game wants no further clearance. Ideally, the land already cleared would be returned to the wetland.

Submitter Number: 32

Submitter Name: Meridian Energy Limited

Ref: 6.14 – Oppose

Fish and Game opposes the removal of the words “regionally significant habitat for waterfowl”. Waterfowl are not threatened or rare, and are therefore not covered by Meridian’s proposed changes.

Ref: 7.139 – Oppose

Fish and Game opposes the removal of the alpine wetland protection rule.

Ref: 9 – Oppose in part

This sets the test too low. The wording should be “where at all possible” if Fish and Game are to accept this. “Practicable” implies a financial test, which will invariably result in remedying or mitigating, and possibly, biodiversity offsets. These should be a last resort only.

Ref: 10: Support

This appears to better reflect the intent of the Resource Management Act 1991.

Ref: 22 – Support in part

Fish and Game supports the intent of this, but would prefer the wording “directly, or with direct effects on regionally significant wetlands” to be added to the policy. Water takes

adjacent to wetlands but not in the wetland can significantly affect their recharge, and “direct” alone may not cover this situation.

Ref: 60 – Support.

This new wording may allow Fish and Game to enhance wetlands, particularly by increasing open water for waterfowl habitat where appropriate.

Ref: 162 – Support

Ref: 165 – Support

Ref: 255 – Support

Ref: 361 – Oppose

Fish and Game has been in discussion with landowners around this wetland, and whilst parts may currently appear to be pasture or are grazed, some sections have been fenced off or are in the process of this. They may therefore revert to wetland, and the boundaries should remain as they are.

Submitter Number: 33

Submitter Name: Vivienne Kerr

Ref: 150 - Support

Fish and Game submitted on this in our original submission, and like this submitter, want these reinstated.

Submitter Number: 34

Submitter Name: Clutha District Council

Ref: 9 – Oppose

There is an implicit hierarchy here, and even if that hierarchy isn’t considered, the importance of water and wetlands is such that an “avoid” test should be aimed at in most cases, with “remedy and mitigate” only be acceptable if all possibilities to avoid have been exhausted.

Ref: 122 – Support in part

Fish and Game understands these concerns, but the issue here is that a planning document simply cannot provide the flexibility required to enhance a wetland. The art and science of wetland restoration is always advancing, and Fish and Game wouldn’t want to be unnecessarily restricted by well-meaning rules that no longer apply.

One approach is the concept of a Wetlands Committee, consisting of ORC, local council reps, Fish and Game, Federated Farmers, and others that can advise on wetland issues and sign off on existing activities or enhancement projects. The Hawkes Bay Regional Council operates under such a model, with great success.

Submitter Number: 35
Submitter Name: Gregory Kerr
Ref: 1,145,150,153,200 - Support

Submitter Number: 36
Submitter Name: Herb Fox
Ref: 223 - Support

Submitter Number: 37
Submitter Name: Transpower New Zealand Limited
Ref: 367- Support

It should be possible within the rule to create a standard for the maintenance of transmission lines (see also Fish and Game's response to Otago Networks Ltd) as a permitted or controlled activity, subject to some notification of works being carried out. A global consent could also be applied for, similar to how NZTA undertake bridge works.

Submitter Number: 38
Submitter Name: Te Runanga o Moeraki, Kati Huirapa Runaka ki Puketeraki, Te Runanga o Otakou, and Hokonui Runanga
Ref: 5 – Support

Ngai Tahu runanga values should be included within the plan.

Ref: 6.14 – Support

Ngai Tahu runanga values should be included within the plan.

Ref: 10 – Support

Ngai Tahu's consultation on wetlands could come as part of the Wetland Committee approach that Otago Fish and Game is proposing. This system for wetland management is used by the Hawkes Bay Regional Council, and would include a Ngai Tahu representative. It is the most practical way of handling existing use activities in wetlands, such as clearance of drains, and also to handle enhancement proposals.

Ref: 144 – Support in part

Fish and Game support the plan being clearer on Treaty responsibilities, Ngai Tahu's connection to wetlands, and their role as kaitiaki. Reference should also be made to any wetlands listed in the Ngai Tahu Claims Settlement Act 1998.

Ref: 162: Oppose

Fish and Game believes that this is a wording issue. The old rules were focused purely on effects on water, whereas the new rules are focused on effects on the whole wetland environment. We believe that the application will be mostly the same.

Ref: 162 – Support in part

If a Wetlands Committee is established to oversee permitted activities, then Fish and Game is happy for the permitted activity rule to exist as is. If not, then Ngai Tahu's suggestion of a stronger policy for permitted activities should be applied.

Ref: 200 - Support

There are not enough metrics on wetlands added, lost, and the overall change in hectares of wetland protected resulting from the change from the old Schedule 9 to this new list. Fish and Game roughly calculated that about 2/3s of the wetlands in the old Schedule 10 are now in the new schedule, plus a number of new wetlands. This of course should be correlated with wetlands significant to Ngai Tahu.

Submitter Number: 39

Submitter Name: Hawksbury Lagoon Inc

Ref: 6.14, 14 – Support

As statutory managers of waterfowl declared as game, Fish and Game support this.

Ref: 148 – Support

Resource consent fee relief should also be added.

Ref: 153,155,156,400 – Support in part

Permitted activities can exist if overseen by a Wetlands Committee. If not, the default position should be stronger as suggested here. The main point is that permitted activities cannot exist without oversight.

Ref: 154,600 – Support

The Waitaki District Council and others have proposed a non-regulatory schedule of other wetlands, including those formerly in Schedule 10. This approach would resolve this issue for the Hawksbury Society.

Submitter Number: 40

Submitter Name: Trustpower Limited

Ref: 5 – Oppose

Fish and Game wants to see a non-regulatory list of wetlands included with this plan, consisting of the remnants of the old Schedule 10, plus anything else that is discovered. Therefore, this definition should remain as “wetlands”, otherwise there is little to protect anything not in the regionally significant list.

Ref: 6.14 – Support

Fish and Game would support the “one or more” wording for wetland values.

Ref: 6.14 – Oppose

We cannot support this, as many wetlands are significant for their non-indigenous gamebird waterfowl, in particularly, mallard ducks. The main recreational use of wetlands is by gamebird shooting license holders, and as such, this activity should be encouraged, as it gets people out into wetlands and understanding their importance.

Ref: 7.139 – Oppose

Alpine wetlands have significant values, simply because they are rare. The burden of proof should remain on any developer or user, rather than on the Council. It is also odd to see so many power companies opposing the scheduling of alpine wetlands as significant. For Trustpower, which relies on water from these wetlands to generate electricity in its Waipori scheme, this seems counter-productive.

Ref: 7.139 – Support

The definition of ‘wetland management area’ from section 23B of the Conservation Act 1987 should be provided

Ref: 8 – Support in part

Fish and Game wants wetland values to be added to this plan. If they are not, then this wording makes sense.

Ref: 9 – Oppose

Primacy must be given to “avoiding” effects, rather than remedying or mitigating.

Ref: 10 – Support

Ref: 14 – Oppose

Fish and Game strongly opposes the assertion that “the creation of wetlands is of little ecological value”. This is manifestly false. Wetlands are critical to the hydrological

functioning of river systems, acting as reservoirs and buffering flows. As a company reliant on water storage, it is concerning that Trustpower does not recognise this. This is in addition to the value of wetlands as habitat for species. As most of Otago's wetlands have already been lost, the policy must give primacy to protecting those that remain, and creating new ones where possible.

Ref: 22,45 – Oppose

Ref: 60 – Oppose

Fish and Game would prefer a blanket rule, rather than yet another assessment of wetland values.

Ref: 144 – Oppose

Ref: 151 – Oppose

Wetlands are a habitat for more than just indigenous waterfowl. It is the gamebird resource that wetlands provide that brings the most recreational benefit to people, and thus providing the impetus for their protection.

Ref: 154 – Oppose

Ref: 159 – Oppose

Alpine wetlands are significant, and should not be subject to any different rules from those affecting other regionally significant wetlands. As stated above, it is these wetlands in the headwaters of catchments that provide most of Otago's water resource, and reducing their protection will further reduce the life-supporting (and electricity generating) capacity of rivers downstream. Fish and Game cannot understand why an electricity company is advocating this approach.

Ref: 161 – Oppose

Large scale activities such as this that affect waterways should remain as non-complying. There should be no exceptions.

Ref: 162 – Oppose

Ref: 165 – Oppose

Financial contributions are necessary, and a standard part of large-scale developments. It is simply not tenable that a large development affecting wetlands would take place and then no financial contributions be given.

Ref: 284,285 - Oppose

Large scale activities such as this that affect waterways should remain as non-complying. There should be no exceptions.

Ref: 400 – Support

Values information must be listed in the wetland plan.

Submitter Number: 41

Submitter Name: Galloway Irrigation Society Incorporated

Ref: 288 - Support

The GIS is correct – Lower Manorburn Dam is an artificial wetland with a primary purpose of providing irrigation water. This is where the removal of the old Schedule 10 was a mistake – there is now no secondary level of protection for wetlands. A non-regulatory list of wetlands (with a regulatory process for addition and deletion) would cover the wetland values in this reservoir, whilst still exempting it from the more onerous regionally significant rules.

Submitter Number: 42

Submitter Name: Department of Conservation

Fish and Game fully supports the Department of Conservation's submission.

Submitter Number: 43

Submitter Name: OtagoNet Joint Venture

Ref: 9 – Oppose

Priority should remain on avoidance, rather than remedying or mitigating.

Ref: 96-97 – Support

Ref: 107-143: Support

Ref: 144: Oppose

Ref: 151 – Support in part

Fish and Game would support the non-regulatory wetland inventory containing a list of current human use values associated with wetlands but only if some ecological values are placed in the plan, and are not subject to change.

Ref: 155,156,162 – Oppose in part

If a regional Wetlands Committee is established to sign-off activities under permitted or controlled status rules, then OtagoNet may not have the same opposition as it does now. A Wetlands Committee, which consists of representatives of the ORC, Fish and Game, Forest

and Bird, and Federated Farmers would be able to practically assess, often on site, how a proposed activity would affect a wetland. Decisions would become much more practical, and less prone to a lengthy RMA process. This system works well in the Hawkes Bay region.

Fish and Game is happy to talk further to infrastructure operators like OtagoNet to explain how this might work, prior to the hearings on this plan.

If there is no wetlands committee however, the permitted activity rules should remain as they are.

Ref: 400 - Support

Fish and Game fully supports the inclusion of ecological information in the plan. There appears to be strong support from a wide range of submitters for this to happen, and it is odd as to why it wasn't included in the first place.

Ref: 600 – Support in part

A non-regulatory list of the old Schedule 10 wetlands should be included however.

Submitter Number: 44

Submitter Name: Ladies Mile Partnership

Ref: 337 – Oppose

This wetland should be left in the plan on its current boundaries.

Submitter Number: 45

Submitter Name: Beaton Family of Berwick

Ref: 77,78,79,99,116,122 – Support in part

These requested changes are all related to restoration work, or recreational use of wetlands. Fish and Game is proposing the concept of a Wetlands Committee, consisting of landowners, Fish and Game, and the Otago Regional Council to advise on wetland works under permitted and controlled activity status. This system works well for the Hawkes Bay Regional Council, and would probably resolve these concerns as raised here by this submitter.

Submitter Number: 46

Submitter Name: New Zealand Railways Corporation

Ref: 7.139 – Oppose

To exclude permanently dry areas from wetlands is to assume that the current state of a wetland is equal to all past or possible future states. Wetlands are like sponges, and those dry areas today could be vitally important in buffering a flood flow in the future.

Ref: 155,156 – Support in part

Fish and Game supports existing transport networks being enabled to continue their operation. Of course, most of these networks will have designations under various District Plans. However, where the maintenance of those assets will have more than minor effects, the usual wetland rules should apply.

Ref: 199 – Oppose

Wetlands should not be cut up simply because a transport network intersects them. The priority should always be on the natural environment, with built structures subsidiary to this.

Submitter Number: 47

Submitter Name: Royal Forest and Bird Protection Society Incorporated
Fish and Game supports all of these requested decisions.

Submitter Number: 48

Submitter Name: Herbert Heritage Society Incorporated

Ref: 118 - Support

Fish and Game supports these comments. The performance of the Otago Regional Council's compliance team has been of concern to our organisation for some time now, and we wonder how it will cope with the increased compliance responsibilities of these new rules.

Submitter Number: 49

Submitter Name: Karl Frank Burgess

Ref: 157 – Support in part

Fish and Game understands these concerns. It is proposing the establishment of a Wetlands Committee to oversee activities such as the maintenance of existing drains, under permitted or controlled activity status. The Wetlands Committee would have farmer representation on it, and could sign off activities on site, as well as mapping existing drains to determine the extent of future activities.