

# Oral evidence of Lily Campbell

on behalf of the Wellington Fish and Game Council

## SPEAKING NOTES

1. My name is Lily Campbell.
2. I am generally supportive of the recommendations made by the s42A author, Ms Pascall, and will only address now, provisions where outstanding relief is sought.

### 1. OBJECTIVE 12

3. In her rebuttal evidence, Ms Pascall made a number of recommendations to give better effect to Te Mana o te Wai and the NPSFM.
4. I would like to acknowledge my strong support for these changes.

#### 1.1. Recognition of community

5. During the s42A authors opening statement and questioning on Monday 20 November, the Panel questioned why wording similar to that recommended in Policy 12 (a), has not been included in Objective 12.
6. I see considerable merit in the inclusion of such wording to Objective 12, and Fish and Game's submission provides scope for this.
7. I consider a new subclause could read:  

'is through engagement with communities, stakeholders, and territorial authorities'
8. Best placed below subclause (g), which requires active involvement of mana whenua.
9. I agree with the comments from the Panel that Policy 12 can also be amended to give further recognition to community values.
10. This could be amended as follows:

#### **Policy 12: Management of water bodies – regional plans**

*(ca) identify part FMUs that require specific management within the whaitua identified in clause (c), in partnership with mana whenua/tangata whenua and through engagement with communities, stakeholders and territorial authorities, and for each part FMU:*

## 1.2. Fish and Game relief

11. In my evidence, I proposed the addition of three new clauses to Objective 12.
12. The first was in relation to recognition of community and recreational values, which Ms Pascall recommended be accepted. I support this recommendation and seek no further changes.
13. I will now discuss the other two clauses, where outstanding relief is sought.

## 1.3. Protecting the habitat of trout

14. In Paragraph 24, Ms Pascall agreed that Objective 12 should include reference to protecting freshwater habitats.
15. However, she does not consider it should include specific reference to the habitat of trout.
16. I disagree that reference to trout habitat should be excluded from Objective 12.
17. An objective must clearly articulate how it will achieve a desired outcome and should be **specific**.
18. By simplifying the wording to refer generally to '*freshwater habitats*', the objective is no longer specific, and it is unclear how it will achieve the desired outcome.
19. The wording as proposed by Ms Pascall, widens the scope of the objective to protect the habitats of ***all freshwater species***.
20. In practice, this could have unintended consequences.
21. To avoid protection being unintentionally afforded to potentially undesirable species, Objective 12 must be specific in the habitat that it applies to.
22. I recommend that subclause (gb) of Objective 12 as per Ms Pascall's rebuttal evidence is amended to include specific reference to trout, salmon, and indigenous freshwater species.
23. This aligns with the strong direction in the RMA and the NPSFM to protect the habitat of indigenous species, in addition to trout and salmon.
24. For example, this could read:

*Protects an abundance and diversity of habitat that supports trout, salmon, and indigenous freshwater species.*

### **1.3.1. Natural Form and character**

25. In paragraph 32 of my evidence, I recommended a new clause is added to Objective 12, to *'preserve the natural character and form of waterbodies'*.
26. In paragraph 25, Ms Pascall disagreed with my recommended addition.
27. She stated that, in her opinion, the matter is sufficiently addressed by clause (d) of the objective.
28. During the s42A authors opening statement and questioning on Monday 20 November, the Panel commented on the terminology used in clause (d) *'recognise and provide for'* and its alignment with Section 6 (a) of the RMA.
29. I note that Section 6 (a) of the RMA uses the wording *'preservation'* of natural character.
30. I generally support the amendments sought by Rangitāne o Wairarapa and accepted by Ms Pascall.
31. I will now briefly talk to the intent of subclause (d) of Objective 12, and the subclause I have proposed.
32. I have reviewed the evidence of Ms Burns for Rangitane o Wairarapa and have discussed this matter with her.
33. It is my understanding, that the requested amendments were intended to recognise the variety of unique characteristics that each waterbody has, and to direct the development of management regimes that are unique and specific to individual waterbodies and FMUs.
34. The intent of recommended subclause (d) differs from the intent of what I have proposed.
35. Paragraphs 28 to 32 of my evidence provide discussion as to why reference to the *'natural character and form of waterbodies'* is necessary to give effect to the NPS-FM.
36. I maintain my recommendation that a new clause should be included under Objective 12, as per paragraph 32 of my evidence.

## **2. POLICY 40**

37. In paragraph 215 of her rebuttal evidence, Ms Pascall states that she agrees that clause (o) requires further amendment to provide a consenting pathway for activities within natural inland wetlands.
38. Clause (o) of Policy 40 is related to river extent and values.

39. I believe that Ms Pascall may have referred to natural inland wetlands in error.
40. Despite this, in paragraph 50 of my evidence, I recommend amendments to the subclause refer to '*functional need*', and the application of the '*effects management hierarchy*'.
41. This has not been addressed in Ms Pascal's rebuttal evidence.
42. During the s42A authors opening statement and questioning on Monday 20 November, the Panel discussed this matter, and raised the issue of consistency amongst provisions. Ms Pascall was asked to consider this and provide further commentary in her Right of Reply.
43. I maintain my recommendation that subclause (o) of Policy 40 is amended as per my evidence, for the reasons outlined in paragraphs 41 to 50.

### **3. POLICY 18**

44. In her rebuttal evidence, Ms Pascall did not acknowledge the consequential recommendation made in my evidence at paragraphs 51 to 58.
45. I recommended amending subclause (e) of Policy 18 to reflect the wording used in clause 3.24 of the NPSFM, which clarifies that practicability is subject to the application of the functional need test and effects management hierarchy.
46. I maintain the recommendation made in my evidence, at paragraph 58.

Thank you.

I welcome any questions from the Panel.