

IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of the proposed Te Tai o Poutini Plan
AND
IN THE MATTER of a submission by the
WEST COAST FISH & GAME COUNCIL

**Statement of evidence of Helen Brosnan
For WEST COAST FISH & GAME COUNCIL
Topic 3 Natural Character and Margins of Waterbodies
And Activities on the Surface of Water**

Dated: 22 January 2024

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INTRODUCTION

1. My full name is Helen Lesley Brosnan.
2. I am employed as a Senior Policy Advisor at New Zealand Fish and Game Council, based in Wellington.
3. I hold a Masters in Planning Practice (1999), Post Graduate Diploma in Science (1999), and Bachelor of Science (1996) all from Auckland University. I also obtained a Professional Certificate in Management (2007) at the Open University UK.
4. I have over 15 years' experience in planning and resource management including writing and processing resource consents in NZ and UK, consultancy work including submission writing, strategic planning and statutory land management and concessions processing at the Department of Conservation.
5. I am a full member of the New Zealand Planning Institute. I am also a member of Resource Management Law Association.
6. While this is not an Environment Court hearing, I have read the Environment Court's Code of Conduct for Expert Witnesses 2023, and I agree to comply with it. I confirm that the issues addressed in this brief of evidence are within my area of expertise.
7. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
8. To the best of my knowledge, I have no real or perceived conflict of interest. While I am an employee of the New Zealand Fish and Game Council, I understand that in providing evidence in this hearing process I have an overriding obligation to impartially assist the panel in regards to planning matters within my expertise, irrespective of my employment.

SCOPE OF EVIDENCE

9. I have been asked by West Coast Fish and Game Council to provide a statement of planning evidence in relation to Topic 3, Natural Character and Margins of Waterbodies and Activities on the Surface of Water, of the proposed Te Tai o Poutini Plan (TTPP)
10. This evidence covers two specific matters in Topic 3, use of motorised watercraft, and provision for temporary maimai, which I understand are central to WCF&G's interest in the pTTPP.
11. In preparing this evidence I have reviewed
 - relevant parts of the notified TTPP
 - the submission of WCF&G
 - the Topic 3 s 42a report

MOTORISED WATERCRAFT

12. The notified TTPP specifically provides for the use of motorised watercraft by Fish and Game, on the surface of all West Coast rivers, lagoons and lakes, where this use is for the control and management of sports fish and game, or biosecurity work.¹
13. I understand, from my reading of the evidence of Mr Kelly, and from my work with other Fish and Game Councils around New Zealand, that the use of motorised watercraft is essential in order for Fish and Game officers to safely and effectively carry out their statutory functions. Accordingly, I fully support the provisions in the TTPP that enable Fish and Game to utilise motorised watercraft as a permitted activity.
14. If through the submissions process, the hearing panel were to consider any amendments to this rule, then in my opinion it would be important to involve Fish and Game further in that consideration, so as to understand the possible implications for Fish and Game and its activities.

¹ See ASW – R2. Permitted Activity 1.b. vi and vii.

15. In my opinion there are two minor drafting amendments that should be made to the drafting of rule ASW – R2 P1.b., to ensure that the rule operates as intended.
16. The first, is that the word “and” in the middle line of vi should be replaced with an “or”. Otherwise, the drafting can be read as requiring any motorised watercraft use on the listed rivers to be for both sportsfish and gamebird management at the same time. In reality tasks on a given day are likely to be focussed either on sportsfish issues, or gamebird issues, or both.
17. The second is that in both vi and vii, the reference to “Fish and Game New Zealand” should be replaced with “West Coast Fish and Game Council”. The West Coast Fish and Game Council is a separate legal entity to Fish and Game New Zealand.
18. These minor amendments are shown as follows;
 - vi. The control and management of sports fish (as defined in the Conservation Act 1987) ~~and~~ or game (as defined in the first Schedule of the Wildlife Act 1953) by West Coast Fish and Game Council ~~New Zealand~~; or
 - vii. Biosecurity work carried out by West Coast Regional Council or West Coast Fish and Game Council ~~New Zealand~~

TEMPORARY MAIMAI

19. I support the inclusion of a permitted activity rule for temporary maimai specifically for game bird hunting, as recommended by the s 42a report writer at pg 94, paragraph 303.

303. West Coast Fish and Game Council (S302.006) seeks the addition of the following to the rule “These are temporary Mai Mai installed for the purposes of lawful gamebird hunting”. The Grey District Council (FS1.081) support this in part, suggesting that a timeframe be included. I support these submissions. I have addressed the timeframe issue for mai mai in my recommended amendments to Rule NC – R2 and propose the same approach – that these must be removed within 2 weeks of the end of the game bird season.

20. I consider that the requirement that permitted maimai structures be removed within 2 weeks of the end of the game bird season is appropriate.

21. I note that the recommended permitted activity rule does not include a maximum size limit for temporary maimai. From the evidence of Mr Kelly, I am aware that maimai on the West Coast are usually less than 10m². If the panel were minded to specify a maximum size for temporary maimai under the permitted activity rule, then 10m² would be appropriate in my opinion.
22. The suggested 10m² would allow construction of a useable maimai and is consistent with the size limit in similar maimai permitted activity rules elsewhere in New Zealand. The requirement to remove maimai at the end of the duck shooting season will also act as a disincentive to create unnecessarily large structures.

CONCLUSION

23. I support the proposed permitted activity rules relating to use of motorised watercraft by West Coast Fish and Game, and construction of small temporary maimai, as recommended in the s 42a report writer's report. Some very minor amendments are proposed to the motorised watercraft permitted activity rule. If the panel is minded to consider imposing a size limit for temporary maimai, I would recommend that be set at 10m².

Helen Brosnan
22 January 2024