

**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**

**Legal Submissions on behalf of  
WEST COAST FISH & GAME COUNCIL  
Topic 10 Natural Character and Margins of Waterbodies and  
Activities on the Surface of Water  
Dated: 5 February 2024**

West Coast Fish and Game Council  
PO Box 179 HOKITIKA  
Attn Dean Kelly [dkelly@fishandgame.org.nz](mailto:dkelly@fishandgame.org.nz)  
ph 03 755 8546  
Counsel Acting D van Mierlo ph 03 7311070  
Instructing Solicitor R Bodle, Greymouth.

## **INTRODUCTION**

1. These legal submissions are filed on behalf of the West Coast Fish and Game Council (**WCF&G**) in relation to Topic 10 of the proposed Te Tai o Poutini Plan (**pTTPP**) concerning natural character and margins of waterbodies and activities on the surface of water.
2. This topic is of critical interest to WCF&G. The sportfish and gamebird resources administered by WCF&G, and the statutory functions which it undertakes, are intimately connected to the surface and margins of waterbodies.
3. In Topic 1 we presented introductory submissions and evidence relating to WCF&G, and WCF&G's interest in the pTTPP generally. Those introductory submissions and evidence remain relevant background to WCF&G's submissions in relation to this topic.
4. In relation to this topic, statements of evidence have been filed by WCF&G from  
**Dean Kelly**, Sports Fish and Game Manager  
**Helen Brosnan**, Planner

## **MOTORISED WATERCRAFT**

5. WCF&G supports the provision of permitted activity status for its use of motorised watercraft on the surface of all West Coast waterbodies. Use of motorised watercraft is essential to enable WCF&G staff to undertake management, monitoring and compliance work associated with sustainable management of the sportfish and gamebird resources of the West Coast.
6. The proposed plan provisions which provide for use of motorised watercraft by WCF&G (rule ASW – R2 P1.b) were developed in close consultation with WCF&G. If any changes to these provisions are being considered, WCF&G seeks to have the opportunity to be further involved in assessing the implications of those changes for its work. In essence, it is submitted that the rules should continue to allow WCF&G to utilise motorised watercraft on all waterbodies as a permitted activity, to enable WCF&G to effectively, efficiently and safely carry out its statutory functions.

7. Ms Brosnan's evidence sets out two recommended minor amendments to rule ASW – R2 P1.b. These minor amendments are intended to assist in providing clarity of drafting.

#### **MAIMAI**

8. WCF&G supports the s42a report writers recommendations concerning the provision of a permitted activity rule that enables the construction of temporary maimai, so as to enable gamebird shooting during the season.
9. These small, traditional, temporary structures are essential to enable safe and humane gamebird hunting.
10. The recommended amendments to Rule NC – R2 to provide for temporary maimai as a permitted activity are supported by WCF&G.
11. The suggested requirement that maimai be removed within 2 weeks of the end of the game bird season is supported. If the panel considers it desirable to specify a maximum floor area for temporary maimai, it is submitted that 10sqm would be appropriate.

#### **CLARIFICATION**

12. I note that at paragraph 241, the s 42a report states;

281. I note that in the case of Lake Māhinapua, Poutini Ngāi Tahu own the bed of the lake, which was returned under their Treaty Settlement. The land surrounding the lake is managed by the Department of Conservation. ...

13. The second sentence warrants some clarification. Most of the land immediately surrounding Lake Māhinapua was vested in fee-simple estate in one of the WCF&G's predecessor organisations, the Westland Acclimatisation Society, pursuant to the Mahinapua Creek and Lake Reserves Act 1893. Accordingly, most of the land immediately adjoining Lake Māhinapua is owned and managed by the WCF&G. Lake Mahinapua Recreation Reserve and Lake Mahinapua Scenic Reserve are administered by the

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Department of Conservation, however these reserve areas are mostly not contiguous with the Lake Itself.

A handwritten signature in blue ink, appearing to read 'D van Mierlo', written in a cursive style.

D van Mierlo  
Counsel for the West Coast Fish and Game Council  
5 February 2024