

In the Environment Court of New Zealand

Christchurch Registry

ENV-2018-CHC-000048

Under

the Resource Management Act 1991

In the matter of

on an appeal under clause 14 of
Schedule 1 of the Act in relation to
Decisions on the Proposed Southland
Water and Land Plan

Between

Peter Donald Chartres

Appellant

And

Southland Regional Council

Respondent

**Notice of Southland Fish and Game Council's wish to be party to proceedings
pursuant to section 274 of the Resource Management Act 1991**

Dated this 22nd day of June 2018

To: The Registrar
Environment Court
Level 1, District Court Building
282 Durham Street
Christchurch 8013

Postal address: PO Box 2069
Christchurch 8013

1. Southland Fish and Game Council (**Fish and Game**) wish to be a party pursuant to section 274 of the Resource Management Act 1991 (**the RMA**) to the following proceedings:
 - a. the appeal against part of the decision of the Southland Regional Council (**the Council**) on the Proposed Southland Water and Land Plan (**the Proposed Plan**) by Peter Donald Chartres (**the Appellant**), ENV-2018-CHC-000048.
2. Fish and Game made a submission and further submission on the Proposed Southland Water and Land Plan.¹
3. Fish and Game also has an interest in these proceedings greater than the general public in that:
 - a. It is the statutory manager of sports fish and game birds within the Southland Fish and Game region under Parts 5A and 5B of the Conservation Act 1987 and Part II of the Wildlife Act 1953 and their associated regulations and notices; and
 - b. Fish and Game Councils are statutory bodies with functions under s 26Q of the Conservation Act 1987 to manage, maintain, and enhance the sports fish and game resource in the recreational interests of anglers and hunters,² including in particular:
 - i. Assessing and monitoring sports fish and game populations;³
 - ii. Assessing and monitoring condition and trend of ecosystems as habitats for sports fish and game;⁴
 - iii. To maintain and improve the sports fish and game resource,⁵ including by:
 - Maintaining and improving access;⁶ and
 - Undertaking works to maintain and enhance the habitat of sports fish and game;⁷

¹ Submitter number 752.

² Section 26Q(1) of the Conservation Act 1987.

³ Section 26Q(1)(a)(i) of the Conservation Act 1987.

⁴ Section 26Q(1)(a)(iii) of the Conservation Act 1987.

⁵ Section 26Q(1)(b) of the Conservation Act 1987.

⁶ Section 26Q(1)(b)(i) of the Conservation Act 1987.

- iv. Promoting recreation based on sports fish and game;⁸ and
 - v. In relation to planning to:
 - To represent the interests and aspirations of anglers and hunters in the statutory planning process;⁹ and
 - To advocate the interests of the Fish and Game Council, including its interests in habitats.¹⁰
4. Fish and Game is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
 5. Fish and Game is directly affected by an effect of the subject of the that appeal that:
 - a. Adversely affects the environment; and
 - b. Does not relate to trade competition or the effects of trade competition.
 6. Fish and Game is interested in all of the proceedings.
 7. Without limiting the above, Fish and Game is interested in the following particular issues:
 - a. Rule 20 . Farming;
 - b. Rule 70 . Stock exclusion from waterbodies; and
 - c. Appendix A . Regionally significant wetlands and sensitive waterbodies in Southland.
 8. The particular issues and whether Fish and Game supports, opposes or conditionally opposes the relief sought are set out in the attached table . Attachment 1.
 9. Fish and Game agree to participate in mediation or other alternative dispute resolution of the proceedings.

⁷ Section 26Q(1)(b)(v) of the Conservation Act 1987.

⁸ Section 26Q(1)(c)(ii) of the Conservation Act 1987.

⁹ Section 26Q(1)(e)(i) of the Conservation Act 1987.

¹⁰ Section 26Q(1)(e)(vii) of the Conservation Act 1987.

Dated this 22nd day of June 2018



Signed: Zane Moss - Manager
Southland Fish and Game Council

Address for service for Southland Fish and Game Council:

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Name: Zane Moss . Manager
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or
Name: Jacob Smyth . Resource Management Officer
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Attachment 1

Provision of Proposed Southland Water and Land Plan appealed by Peter Donald Chartres	Relief sought by Peter Donald Chartres	Scope for s 274 – Southland Fish and Game Council submission point reference	Support / oppose	Reasons
Rule 20(a)(iii)	Amend Rule 20(a)(iii)(1) to provide: <i>“(1) from 1 May 2019, intensive winter grazing does not occur on either more than 15% of the area of the landholding or 100 hectares, whichever is lesser; and . . . ”</i>	752.63 (Rule 20) 752.116 (Rule 23) + further submissions on Rule 20 - Farming (62.8, 210.82, 247.9, 265.83 and 279.67) and Rule 23 . Intensive winter grazing (62.10, 190.13, 247.10, 249.25, 265.86, 279.69, 622.24, 797.40 and 803.41)	Oppose	<p>The appellant does not support the maintenance of freshwater quality, which is the overarching requirement of the Proposed Plan. Intensive winter grazing can have significant adverse effects on water quality from the transport of contaminants (nutrients, sediment and microbial contaminants) to ground and surface water.</p> <p>The objective of Rule 20(a)(iii)(1) is to:</p> <ol style="list-style-type: none"> 1. Target those who are undertaking wintering on a large scale; 2. Avoid capturing those with smaller scale wintering; and 3. Capture large-scale graziers. <p>The proposed amendment erodes the application of Rule 20(a)(iii)(1) in relation to addressing the effects of large scale intensive winter grazing to maintain or improve water quality.</p>
Rule 70	Amend Rule 70 to delete the words “All waterbodies from 1 July 2025 . . . ” in relation to the exclusion of beef cattle and deer on land slope ‘Plains’ (0 - 3°)	752.163 + further submissions on 62.13, 210.91, 247.21, 249.30, 265.102, 277.55, 279.102, 609.6 and 797.50	Oppose	<p>The appellant does not support the maintenance of freshwater quality, which is the overarching requirement of the Proposed Plan. Stock access to waterbodies can have significant adverse effects on water quality from the transport of contaminants (nutrients, sediment and microbial contaminants) and damage to riparian margins.</p> <p>The proposed amendment erodes the application of Rule 70 to maintain or improve water quality by addressing cattle and deer access to waterbodies on land with a slope between 0 - 3°.</p>

<p>Appendix A . Regionally Significant Wetlands and Sensitive Water Bodies in Southland</p>	<p>Deletion of Bog Lake and Adjacent Wetland, Retford Stream Wetland and Te Anau Downs Wetland from the list of regionally significant wetlands in Appendix A.</p>	<p>752.176 and further submissions on 108.109, 156.15, 210.97, 279.112, 437.24 and 871.6</p>	<p>Oppose</p>	<p>The list of Regionally Significant Wetlands set out in Appendix A of the Proposed Plan includes:</p> <ol style="list-style-type: none"> 1. A list of wetlands adopted from Appendix B . Regionally Significant Wetlands in the Regional Water Plan for Southland, which was previously carried across from the Regional Policy Statement. This list has not been updated since 1997 and most of the wetlands within it are located on public land, including conservation land; and 2. New wetlands, which are referred to in <i>'A Directory of Wetlands in New Zealand'</i> or survey reports for the Protected Natural Areas Programme. These reports identify areas that have high ecological values based on their size and presence of indigenous vegetation. <p>All new wetlands included in Appendix A of the Proposed Plan have been assessed by Council¹¹ as:</p> <ol style="list-style-type: none"> a. Meeting the test for significance using the criteria in Appendix 3 of the Proposed Southland Regional Policy Statement. If a wetland already sits in Appendix 2 of the Proposed Southland Regional Policy Statement it is automatically considered a Regionally Significant Wetland which has been through the public consultation process; and b. Having been ground truthed <p>In this case, Council has found that:¹²</p> <ol style="list-style-type: none"> 1. Bog Lake (and adjacent wetlands): <ol style="list-style-type: none"> a. meets the test for significance using the criteria in Appendix 3 of the Proposed Southland Regional Policy Statement with regard to representativeness
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¹¹ See Table A - set out a pages 602 . 606 of the s 42A Hearing Report on the Proposed Southland Water and Land Plan (April 2017).

¹² See Table A at pages 602 and 605 of the s 42A Hearing Report on the Proposed Southland Water and Land Plan (April 2017).

				<p>(a:i) and rarity / distinctiveness (b:i), (b:ii); and</p> <p>b. has been ground truthed by way of the Wetlands of the Te Anau Basin report.¹³</p> <p>2. Retford Stream wetland:</p> <p>a. meets the test for significance using the criteria in Appendix 3 of the Proposed Southland Regional Policy Statement with regard to representativeness (a:i); rarity / distinctiveness (b:i) and diversity (c:i); and</p> <p>b. has been ground truthed by way of the Wetlands of the Te Anau Basin report.</p> <p>3. Te Anau Downs wetland:</p> <p>a. meets the test for significance using the criteria in Appendix 3 of the Proposed Southland Regional Policy Statement with regard to representativeness (a:i), rarity / distinctiveness (b:i), (b:ii) and diversity (c:i); and</p> <p>b. has been ground truthed by way of the Wetlands of the Te Anau Basin report.</p>
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¹³ *Wetlands of the Te Anau Basin: An Ecological Investigation* (266 pages), Department of Conservation - Southland Conservancy, 1995.