

In the Environment Court of New Zealand

Christchurch Registry

ENV-2018-CHC-000036

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

Director-General of Conservation

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 Director-General of Conservation (**the Appellant**), ENV-2018-CHC-00036.

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

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.

- Undertaking works to maintain and enhance the habitat of sports fish and game;⁷
 - 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 the proceedings.
- 7. Without limiting the above, Fish and Game is interested in the following particular issues:
 - a. Policy 4 - Alpine;
 - b. Policy 16 . Farming activities that affect water quality;
 - c. Rule 5 . Discharges to surface waterbodies; and
 - d. Rule 78 . Weed and sediment removal for drainage maintenance.
- 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:

Contact: Ben Farrell
Physical address: Level 2, 36 Shotover Street
Queenstown, 9300
Postal address: PO Box 95
Queenstown 9300
Email: ben@jea.co.nz
Telephone: 021 767 622

Contact persons at Southland Fish and Game Council:

Name: Zane Moss . Manager
Phone: (03) 215 9117 or 021 244 5384
Email: Zane@southlandfishgame.co.nz
or
Name: Jacob Smyth . Resource Management Officer
Phone: (03) 215 9117 or 021 280 0755
Email: Jacob@southlandfishgame.co.nz

Attachment 1

| Provision of Proposed Southland Water and Land Plan appealed by Director-General of Conservation | Relief sought by Director-General of Conservation | Scope for s 274 – Southland Fish and Game Council submission point reference | Support / oppose | Reasons |
|--|---|--|------------------|---|
| Policy 4 | Amend Policy 4(3) to provide: <i>“prohibiting dairy farming, and intensive winter grazing and decision makers generally should not granting resource consents for cultivation.”</i> | 752.49 + further submissions on 210.43, 265.35, 319.1, 797,11 and 803.13 | Support | %Generally not granting+does not provide certainty that the line will be held against further water quality degradation. %Should+provides a more directive policy direction and more certainty that the line will be held against further water quality degradation. |
| Policy 16 | Amend Policy 16(1)(a) to provide: <i>“strongly discouraging the establishment of new dairy farming of cows, or new intensive winter grazing activities or other intensive farming activities in close proximity to Regionally Significant Wetlands and sensitive waterbodies identified in Appendix A; and”</i> | 752.60 + further submissions on 210.55, 265.47 and 279.24 | Support | Policy 16(1)(a) relates to regionally significant water bodies. Discouraging the establishment of new dairy farming of cows is weaker in intent and suggests a less active role of the Proposed Plan in achieving the outcome than % strongly discouraging +. Further, Rule 16(1)(a) does not address intensive farming activities other than new dairy farming of cows or new intensive winter grazing activities. |
| Rule 5 | Delete the text from Rule 5(a)(3) that provides %except for discharges from a territorial authority reticulated Storm water or wastewater system+. | 752.97 + further submissions (17.25, 249.16, 265.74, 279.60, 390.21, 562.11, 622.14 and 750.9) | Support | Rule 5(a)(3) provides for discharges from territorial authority reticulated storm water or wastewater to water that contain raw sewage as a discretionary activity rather than a non-complying activity, which negates the significance of the activity. This approach is weaker than that set out in the existing Regional Water Plan, which provides that the discharge of raw sewage, foul water or untreated agricultural water is a prohibited activity, ¹¹ and is inconsistent with the overarching requirement that the quality of water be maintained. |

¹¹ See Rule 14 . Discharge of raw sewage, foul water or untreated agricultural effluent in the Regional Water Plan for Southland

| | | | | |
|---------|--|--|---------|---|
| | | | | The discharge of untreated / raw sewage to water has ecological, recreational, aesthetic and human health impacts and is culturally offensive. It is not acceptable to use surface water, such as rivers and lakes, for this type of waste. |
| Rule 78 | <p>Amend Rule 78 to include the following sub-paragraph:</p> <p><u>(xiv) the modified watercourse is not a habitat of non-migratory galaxiids.</u></p> <p>In addition, the Director-General of Conservation seeks to include mapping of non-migratory galaxiids habitat in the Planning Maps</p> | 752.171 + further submissions on 108.107, 210.95, 279.109 and 797.52 | Support | Much of the habitat value in modified watercourses is associated with gravel deposits, including for non-migratory galaxiids. It is unusual for modified watercourses to have actively eroding headwaters with a sustainable source of gravel to replenish any that is removed, incidental or otherwise, therefore there is a further risk that gravel habitats are depleted over time. |