

**In the Environment Court of New Zealand**

**Christchurch Registry**

**ENV-2018-CHC-000027**

**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**

**Fonterra Co-operative Group Limited**

Appellant

**And**

**Southland Regional Council**

Respondent

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**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**

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**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 Fonterra Co-operative Limited (**the Appellant**), ENV-2018-CHC-000027.
2. Fish and Game made a submission and further submission on the Proposed Southland Water and Land Plan.<sup>1</sup>
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,<sup>2</sup> including in particular:
    - i. Assessing and monitoring sports fish and game populations;<sup>3</sup>
    - ii. Assessing and monitoring condition and trend of ecosystems as habitats for sports fish and game;<sup>4</sup>
    - iii. To maintain and improve the sports fish and game resource,<sup>5</sup> including by:
      - Maintaining and improving access;<sup>6</sup> and

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<sup>1</sup> Submitter number 752.

<sup>2</sup> Section 26Q(1) of the Conservation Act 1987.

<sup>3</sup> Section 26Q(1)(a)(i) of the Conservation Act 1987.

<sup>4</sup> Section 26Q(1)(a)(iii) of the Conservation Act 1987.

<sup>5</sup> Section 26Q(1)(b) of the Conservation Act 1987.

<sup>6</sup> Section 26Q(1)(b)(i) of the Conservation Act 1987.

- Undertaking works to maintain and enhance the habitat of sports fish and game;<sup>7</sup>
  - iv. Promoting recreation based on sports fish and game;<sup>8</sup> and
  - v. In relation to planning to:
    - To represent the interests and aspirations of anglers and hunters in the statutory planning process;<sup>9</sup> and
    - To advocate the interests of the Fish and Game Council, including its interests in habitats.<sup>10</sup>
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 16 . Farming activities that affect water quality; and
    - b. Rule 20 - Farming.
  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.

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<sup>7</sup> Section 26Q(1)(b)(v) of the Conservation Act 1987.

<sup>8</sup> Section 26Q(1)(c)(ii) of the Conservation Act 1987.

<sup>9</sup> Section 26Q(1)(e)(i) of the Conservation Act 1987.

<sup>10</sup> Section 26Q(1)(e)(vii) of the Conservation Act 1987.

Dated this 22nd day of June 2018



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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  
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**Contact persons at Southland Fish and Game Council:**

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 Fonterra Co-operative Group Ltd | Relief sought by Fonterra Co-operative Group Ltd   | Scope for s 274 – Southland Fish and Game Council submission point reference   | Support / oppose | Reasons  |
|---|--|--|------------------|--|
| Policy 16 . Farming activities that affect water quality  | Amend Policy 16 by deleting sub-paragraph (1)(b)(ii), which provides:<br><br><del>“existing water quality is already degraded to the point of being over-allocated; or”</del>  | 752.60 + further submissions on 210.55, 265.47 and 279.24)   | Oppose           | Scientific evidence confirms that the quality of water in Southland has significantly degraded and is likely to continue to significantly degrade, so regulatory intervention is required. The relief sought:<br><br>1. Does not provide certainty that that the quality of water be maintained, which is the overarching purpose of the Proposed Plan;<br><br>2. Is contrary to Part 2 of the RMA, including the purpose of sustainable management in s 5; and<br><br>3. Does not give effect to Part A of the NPS-FWM, including Objectives A1, A2 and Policy A1.  |
| Rule 20 - Farming   | Amend Rule 20(a) by inserting the following sub-paragraph:<br><br><u><i>(v) Provided that condition (iv) does not apply to those activities involving discharges to land from manufacturing activities where:</i></u><br><br><i>a. Such discharges are expressly authorized by a discharge consent;</i><br><br><i>b. That consent requires there to be a management plan in place to address the adverse effects of cumulative discharges; and</i><br><br><i>c. That grazing by stock on the land receiving the discharge is limited to grazing by sheep, provided</i> | Rule 20 - 752.112, Rule 21 - 752.113, Rule 22 - 752.115 and Rule 23 - 752.116 + further submissions on Rule 20 (62.8, 210.82, 247.9, 265.83 and 279.67), Rule 21 (265.84 and 803.39), Rule 22 (62.9, 210.84, 265.85, 279.68 and 622.23) and Rule 23 (62.10, 190.13, 247.10, 249.25, 265.86, 279.69, 622.24, 797.40 | Oppose           | Scientific evidence confirms that the quality of water in Southland has significantly degraded and is likely to continue to significantly degrade, so regulatory intervention is required. The relief sought:<br><br>1. Does not provide certainty that that the quality of water be maintained, which is the overarching purpose of the Proposed Plan;<br><br>2. Is contrary to Part 2 of the RMA, including the purpose of sustainable management in s 5;<br><br>3. Is contrary to s 10(4) of the RMA because it creates an expectation of protection of existing land uses; and<br><br>4. Does not give effect to Part A of the NPS-FWM, including Objectives A1, A2 and Policy A1. |

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|  | <p><u>that if grazing by cattle or deer is proposed then the management plan for the discharge is updated to satisfy the obligations described in Appendix N.</u></p> <p>Amend Rule 20(d)(ii) as follows:</p> <p><i>(ii) The application includes the following material prepared by a suitably qualified person:</i></p> <p><u>1) An assessment that shows that the annual modelled amount of nitrogen, <del>phosphorus, sediment and microbial contaminants</del> discharged from the landholding will be no greater than that which was discharged annually on average for the five years prior to the application being made; and</u></p> <p><u>2) . . .</u></p> <p><u>3) An assessment that shows that, taking into account any mitigations or actions identified in (2) above, the annual amount of phosphorus, sediment and microbial contaminants discharged from the landholding can be expected to be no greater than that which was lawfully discharged annually on average for the five years prior to the application being made.</u></p> | <p>and 803.41).</p> |  |  |
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