

In the Environment Court of New Zealand

Christchurch Registry

ENV-2018-CHC-000033

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

Rayonier New Zealand Limited

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 Rayonier New Zealand Limited (**the Appellant**), ENV-2018-CHC-000033.

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 issue:
 - a. Definition - cultivation.
 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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Contact persons at Southland Fish and Game Council:

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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 Rayonier New Zealand Limited	Relief sought by Rayonier New Zealand Ltd	Scope for s 274 – Southland Fish and Game Council submission point reference	Support / oppose	Reasons
<p>Definition . Cultivation</p>	<p>That herbicide spraying is removed from the definition of cultivation; or</p> <p>That the term crop should be clearly defined as specific to agricultural practices excluding forestry.</p>	<p>Rule 25 . 752.118 + further submissions on 62.11, 190.14, 210.86, 265.88 and 279.71</p> <p>Definition of cultivation. 752.216</p>	<p>Oppose</p>	<p>Clarification is required as to whether the Applicant seeks to delete either one or both references to the words herbicide spraying in the definition of cultivation as follows:</p> <ol style="list-style-type: none"> 1. <i>“Preparing land for growing pasture or a crop by mechanical tillage, direct drilling, herbicide spraying, or herbicide spraying followed by over-sowing for pasture or forage crops (colloquially referred to as ‘spray and pray’), but excluding any spraying undertaken solely for the control of pest plant species”</i>; or 2. <i>“Preparing land for growing pasture or a crop by mechanical tillage, direct drilling, herbicide spraying, or herbicide spraying followed by over-sowing for pasture or forage crops (colloquially referred to as ‘spray and pray’), but excluding any spraying undertaken solely for the control of pest plant species”</i>. <p>It is appropriate that herbicide spraying followed by over-sowing pasture or forage crops (colloquially referred to as spray and pray) is defined as cultivation because such activities typically occur on high and hill country land that poses risk in terms of contaminant loss by overland flow following rain and / or snow fall events.</p>