

In the Environment Court of New Zealand

Christchurch Registry

ENV-2018-CHC-000043

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

The Terraces 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 The Terraces Limited (**the Appellant**), ENV-2018-CHC-000043.

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; and
 - b. Rule 25 . Cultivation on sloping ground.
- 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 The Terraces Limited	Relief sought by The Terraces Limited	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 25	Amend Rule 25(a)(iv) to delete the reference to “20 degrees” and replace it with <i>“30 degrees”</i> .	752.118 + further submissions on 62.11, 190.14, 210.86, 265.88 and 279.21	Oppose	<p>The appellant does not support the maintenance of freshwater quality, which is the overarching requirement of the Proposed Plan.</p> <p>Rule 25 manages cultivation on sloping ground. A resource consent framework is appropriate for higher-risk cultivation above 800m in altitude or 20 degrees, in order to ensure that sediment run-off risk from cultivation is actively managed, and to provide a regulatory pathway for requiring setbacks from waterbodies, riparian planting, and limits on areas or duration of exposed soils (Policy 16). This is necessary to</p>

				<p>ensure that cultivation activities operate at GMP or better to optimise efficient resource use and protect the region's land, soils, and water from quality and quantity degradation (Objective 18), as well as ensuring that the quality of freshwater is not reduced (Objective 6) and that the quantity, quality and structure of soil resources are not irreversibly degraded through cultivation (Objective 13).</p> <p>Increasing the slope that can be cultivated as a permitted activity to 30 degrees as suggested increases the likelihood that the use and development of land and soils will irreversibly degrade the quantity, quality, and structure of soil resources.</p>
--	--	--	--	--