

In the Environment Court of New Zealand

Christchurch Registry

ENV-2018-CHC-000031

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

**Gore District Council, Southland
District Council and Invercargill City
Council (Territorial Authorities)**

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 Gore District Council, Southland District Council and Invercargill City Council (Territorial Authorities) (**the Appellants**), ENV-2018-CHC-000031.

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. Rule 15 . Discharge of storm water;
 - b. Rule 33 . Community sewerage schemes (discharge to land); and
 - c. Rule 33A . Community sewerage schemes (discharge to water).
 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

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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 the Territorial Authorities	Relief sought by Territorial Authorities	Scope for s 274 – Southland Fish and Game Council submission point reference	Support / oppose	Reasons
Rule 15 . Discharge of storm water	Amendment of references to storm water+in Rule 15 to refer to storm water, water and contaminants+ throughout the rule.	752.107 + further submissions on 265.81, 279.65, 330.13, 411.28, 411.29, 661.36, 797.36 and 803.37	Oppose	Stormwater has the potential to carry high levels of contaminants into surface water. In this case, the Notice of Appeal filed by the Territorial Authorities does not include a corresponding definition of contaminants for the purposes of Rule 15. Accordingly, it is unclear whether reference to contaminants in Rule 15 would provide for human sewage to enter storm water via engineered outflows from the sewerage network into the storm water network. The term contaminants is not defined in the Proposed Plan, which will lead to uncertainty in the application and interpretation of Rule 15 and its relationship to the overarching requirement that the quality of water be maintained.
Rule 33 . Community sewage schemes (discharges to land)	Amendment of Rule 33 to provide that the discharge from community sewerage schemes to land within 20 meters of surface water bodies is a discretionary as opposed to non-complying activity.	752.126 + further submissions on 279.79, 330.15, 411.31, 750.20 and 780.6	Oppose	<p>Rule 33 regulates the discharge from community sewage schemes to land with discretionary activity status if various conditions are met, including that the discharge is not within 20 meters of a surface water body, and non-complying activity status if those conditions are not met.</p> <p>Discharges from community sewage schemes typically contain high levels of contaminants, including nutrients and e-coli, which can have adverse effects on ground and surface water quality. The physical proximity between sewage discharges to land and surface water bodies is a significant risk factor, particularly when soil moisture is elevated, or soils are saturated, and discharge is occurring. This risk is elevated by the fact that a number of existing sewage schemes in Southland have limited storage capacity to facilitate deferred discharge to land when soil conditions are appropriate.</p> <p>Non-complying activity status is appropriate where treated sewage discharges occur within 20 meters of surface water and more consistent with the overarching requirement that water quality be maintained.</p>

Provision of Proposed Southland Water and Land Plan appealed by the Territorial Authorities	Relief sought by Territorial Authorities	Scope for s 274 – Southland Fish and Game Council submission point reference	Support / oppose	Reasons
Rule 33A . Community sewerage schemes (discharge to water)	<p>Amendment of Rule 33A to provide that:</p> <ol style="list-style-type: none"> 1. The discharge of <u>treated</u> effluent from a community sewage scheme to surface water is a discretionary activity . Rule 33A(aa); and 2. The discharge of <u>untreated</u> effluent from a community sewage scheme to surface water is a non-complying activity . Rule 33A(a). 	752.126 + further submissions on 279.79, 330.15, 411.31, 750.20 and 780.6	Oppose	<p>The discharge of <u>treated</u> effluent or bio-solids to surface water has ecological, recreational, aesthetic and cultural impacts. Changes sought to Rule 33A are significant and inconsistent with the overarching requirement of the Proposed Plan that the quality of water be maintained.</p> <p>The discharge of <u>treated</u> effluent from a community sewage scheme into water should only be a discretionary activity where either:</p> <ol style="list-style-type: none"> 1. the water quality upstream of the discharge meets the standards set for the relevant waterbody in Appendix E, the discharge does not reduce the water quality below those standards at the downstream edge of the reasonable mixing zone; or 2. where the water quality upstream of the discharge does not meet the standards set for the relevant waterbody in Appendix E, the discharge must not further reduce the water quality below those standards at the downstream edge of the reasonable mixing zone. <p>Non-complying activity status is appropriate and more consistent with the overarching requirement that water quality be maintained in relation to the discharge of <u>treated</u> effluent from a community sewage scheme into water where:</p> <ol style="list-style-type: none"> 1. the water quality upstream of the discharge meets the standards set for the relevant waterbody in Appendix E, the discharge reduces the water quality below those standards at the downstream edge of the reasonable mixing zone; or 2. where the water quality upstream of the discharge does not meet the standards set for the relevant waterbody in Appendix E, the discharge further reduces the water quality below those standards at

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				<p>the downstream edge of the reasonable mixing zone.</p> <p>The discharge of <u>untreated</u> effluent or bio-solids from a community sewage scheme to surface water should be a prohibited activity, as is the case in the Operative Regional Water Plan for Southland.</p>