

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH  
I MUA I TE KOOTI TAIAO O AOTEAROA  
KI OTAUTAHU**

ENV-2018-CHC-34 & 35

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** appeals under clause 14 of the First Schedule to the Act

**BETWEEN** **BEEF+LAMB NEW ZEALAND LIMITED**

Appellant

**AND** **SOUTHLAND REGIONAL COUNCIL**

Respondent

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**MEMORANDUM OF COUNSEL FOR THE APPELLANT RESPONDING TO  
4 OCTOBER 2021 MINUTE**

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Solicitor/Counsel: CP Thomsen/ CH Luisetti

**MAY IT PLEASE THE COURT:**

1. Beef+Lamb New Zealand Limited (B+LNZ) has filed two appeals on the decisions version of the Proposed Southland Water and Land Plan.
2. B+LNZ has no objection to the prehearing conference occurring in Christchurch and requests that it participate via AVL.
3. B+LNZ's two appeals are narrow and relate to:
  - (a) Stock exclusion from waterways - policy 18(2.a) and rule 70(e).
  - (b) Intensification of use of land for a farming activity - rule 20(d).
4. B+LNZ is not a s 274 party to any other appeals.
5. B+LNZ has identified the following issues and topics at Appendix B of Counsel for the Respondent's memorandum as relevant to its appeals. Those matters and B+LNZ's positions are:
  - (a) Topic B5. 15, 16, 17, 26 and 27 (stock exclusion appeal) – agreed.
  - (b) Topic B5.55 - 58 (intensification appeal) – agreed.
6. B+LNZ has no particular comment on Council's proposed timetable but seeks to reserve its position to comment on any alternative proposals from other parties at the pre-hearing conference.
7. Turning to the witnesses to be called, Counsel has only recently been instructed and has not been fully briefed. Delays in being briefed have been compounded by recent personnel changes at B+LNZ. Unfortunately, B+LNZ therefore cannot confirm all of the witnesses it is calling.
8. It can advise that for the stock exclusion appeal it is likely to call up to three expert witnesses and one lay witness, being:
  - (a) A farm systems expert.
  - (b) An expert on ruminants' behaviour around water.

- (c) A planner.
  - (d) A farmer.
9. Counsel will obtain instructions in respect of the intensification appeal (rule 20(d)) as soon as possible and prior to the pre-hearing conference.
  10. For the reasons set out above B+LNZ is also unable to confirm the availability of its experts for expert conferencing. Counsel acknowledges and accepts that this may mean the conferencing may be scheduled before those witnesses are confirmed and therefore they will have to make themselves available.
  11. Counsel is aware that the Court and parties have been informally advised by B+LNZ (via email) that Fletcher Vautier Moore is now the address for service for B+LNZ. Filed at the same time as this memorandum is a notice of change of address for service.



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C P Thomsen/CH Luisetti  
Counsel for Beef+Lamb New Zealand Limited  
13 October 2021