

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KŌTI TAIAO O AOTEAROA**

**AT CHRISTCHURCH
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14 of the First Schedule of
the Act

BETWEEN **TRANSPower NEW ZEALAND LTD**
(ENV-2016-CHC-26)
Appellant

FONterra CO-OPERATIVE GROUP LTD
(ENV-2018-CHC-27)
[Continued on next page]

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

**Memorandum for the Director-General of Conservation Tumuaki Ahurei
re relief sought in Topic B, Tranche 1**

Dated 27 July 2022

Department of Conservation
Planning, Permissions and Land
RMA Shared Services
Private Bag 4715
Christchurch 8140
Phone Waea: 027 408 3324
Solicitor Rōia: Pene Williams

BETWEEN

ARATIATIA LIVESTOCK LTD

(ENV-2018-CHC-29)

WILKINS FARMING CO

(ENV-2018-CHC-30)

GORE AND SOUTHLAND DISTRICT COUNCILS,

INVERCARGILL CITY COUNCIL

(ENV-2018-CHC-31)

DAIRYNZ LTD

(ENV-2018-CHC-32)

H W RICHARDSON GROUP LTD

(ENV-2018-CHC-33)

BEEF + LAMB NEW ZEALAND

(ENV-2018-CHC-34 AND 35)

DIRECTOR-GENERAL OF CONSERVATION

(ENV-2018-CHC-36)

SOUTHLAND FISH & GAME COUNCIL

(ENV-2018-CHC-37)

MERIDIAN ENERGY LTD

(ENV-2018-CHC-38)

FEDERATED FARMERS OF NEW ZEALAND

(ENV-2018-CHC-40)

SOUTHWOOD EXPORT LTD, SOUTHLAND PLANTATION

FOREST COMPANY OF NZ

(ENV-2018-CHC-46)

TE RUNANGA O NGAI TAHU, HOKONUI RUNAKA,

WAIHOPAI RUNAKA, TE RUNANGA O AWARUA AND TE

RUNANGA O ORAKA APARIMA

(ENV-2018-CHC-47)

RAYONIER NEW ZEALAND LTD

(ENV-2018-CHC-49)

ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NZ

INC

(ENV-2018-CHC-50)

Appellants

AND

SOUTHLAND REGIONAL COUNCIL

Respondent

May it please the Court,

The following matters are respectfully submitted on behalf of the Director-General of Conservation Tumuaki Ahurei (the Director-General):

1. I refer to the Court's directions dated 15 July 2022 requiring all parties to confirm their final relief sought.
2. Further to my memorandum for the Director-General dated 9 June 2022 on Rule 70(a), I clarify the Director-General has changed her position from that memorandum. She now prefers to use the term "ephemeral rivers" as used in the decisions version of the proposed Plan.
3. The Director-General is neutral as to whether it is necessary to also continue to include the definition of "ephemeral rivers" as per the decisions version of the proposed Plan. I submit that as the term is used in Rule 70 paragraph (a) it is clear this relates to beds of rivers. However, if there is a possibility this may not be understood in that way, it may be useful to clarify this by retaining the definition in the proposed Plan.
4. Ms Kirk participated in the planning expert conferencing resulting in the Planning JWS dated 25 July 2022.¹ The Director-General supports the version of Policy 16(1) paragraphs (a) and (b), and the second version of paragraph (c1) as set out in Attachment A to that JWS.
5. I attach a table in Appendix A setting out the Director-General's position on specific provisions as per that recorded in the consolidated plan dated 7 June 2022 and the Planning JWS dated 25 July 2022.
6. I set out the specific relief the Director-General seeks on Rule 70 paragraph (a) in Appendix B.



P D Williams

Counsel for the Director-General

¹ Expert Conference – Planning – Joint Witness Statement (No. 3) dated 25 July 2022

Appendix A

Table confirming Director-General's position as per 7 June 2022 Consolidated Plan

Provision	Director-General's position on relief remains as per 7 June 2022 Consolidated Plan – Yes/ No and any comments
Policy 15A	Yes
Policy 15B	Yes
Policy 16(1)	No – as per Planning JWS dated 25 July 2022
Policy 16(2) and 16(3)	Yes
Policy 16A	Yes
Policy 17	Yes
Policy 17A	Yes
Policy 18	Yes
Rule 13	Yes
Rule 14	Yes
Rule 15	Yes
Rule 20	Yes – noting the Director-General's interests in Rule 20 are limited
Rule 20A	Yes – noting the Director-General's interests in Rule 20A are limited
Rule 25	Yes
Rule 40	Yes
Rule 51	Yes
Rule 70(a)	No – see revised relief in Appendix B, noting minor editorial change
Rule 70(b) – (e)	Yes
Rule 78	Yes
“critical source area” definition	Yes
“ephemeral rivers” definition	No – neutral on whether decisions' version definition is retained, see paragraph 3 of this Memorandum
“minimise” definition	Yes
Appendix E	Yes
Appendix N	Yes – noting the Director-General's interests in Appendix N are limited

Appendix B – Final Change in Relief on Rule 70(a) Sought by Director-General**Rule 70**

- (a) ~~From 1 July 2020, the~~ disturbance of roosting and nesting areas of the black fronted tern, black billed gull, banded dotterel or black fronted dotterel located in the bed of a lake, river (including an ephemeral river), ~~or modified watercourse, or natural wetland~~ **or** modified watercourse by stock including cattle, deer, pigs or sheep is a prohibited activity.

Editorial change **highlighted**