

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

UNDER the Resource Management Act 1991

IN THE MATTER of appeals under Clause 14 of the First Schedule of the Act

BETWEEN **WILKINS FARMING COMPANY LIMITED**
(ENV-2018-CHC-030)
(ENV-2018-AKL-380)
Appellant

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

JOINT MEMORANDUM OF COUNSEL - TRANCHE 2 REPORTING DATE

21 February 2024

Judicial Officer: Judge Steven

Respondent's Solicitor
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MAY IT PLEASE THE COURT

- 1 This Joint Memorandum of Counsel responds to the Court’s direction dated 1 November 2023 in relation to:
- (a) The balance of the appeal by Wilkins Farming Co Limited (**Wilkins**) against the decision by Southland Regional Council (**Council**) to grant resource consent to take and use groundwater subject to conditions (ENV-2018-AKL-0380) (**Consent Appeal**); and
 - (b) That part of the Wilkins’ appeal against the decisions of the Council on the proposed Southland Water and Land Plan (**pSWLP**) (ENV-2018-CHC-0030) identified as Topic B1, Tranche 2 (**Tranche 2 Appeal**).
- 2 This Joint Memorandum reports on the progress of the Council’s consent review process, which impacts on the disposition of both the Consent Appeal and the Tranche 2 Appeal.

Consent Appeal

- 3 The background to the Consent Appeal was set out in our Joint Memorandum of Counsel dated 31 October 2023.¹
- 4 The Consent Appeal remains on hold while the Council works to resolve the possible over-allocation of the Mataura River (being the consent review process referred to above and described in more detail below).

Tranche 2 Appeal

- 5 Groundwater quantity and allocation issues associated with the Mataura River are also raised by Wilkins’ appeal against the Council’s decision on the pSWLP.²
- 6 Again, the background to the Tranche 2 Appeal is set out in our Joint Memorandum of Counsel dated 31 October 2023.³

¹ Joint Memorandum of Counsel dated 31 October 2023 at [3]-[4].

² Policy 42 and Appendix L.5 are the subject of Wilkins’ appeal. For completeness, we also note that Rule 49 was appealed by Federated Farmers Southland Incorporated, and this rule also falls within Topic B1, Tranche 2.

³ Joint Memorandum of Counsel dated 31 October 2023 at [5]-[8].

Progress since Consent Appeal and Tranche 2 Appeal adjourned

- 7 Since the last reporting date on 31 October 2023, the affected consent holders and the Council have continued to progress the consent review process.
- 8 Progress continues to be made however, further time is required to complete the consent review process.
- 9 Accordingly, counsel respectfully request that the appeals remain on hold with a further reporting date of 31 May 2024.

Directions sought

- 10 That the parties file a further Joint Memorandum reporting on progress by **Friday, 31 May 2024**.

DATED this 21st day of February 2024



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P A C Maw / I F Edwards
Counsel for the Southland Regional Council



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B S Carruthers KC
Counsel for Wilkins Farming Company Limited