

**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** TRANSPOWER NEW ZEALAND LIMITED  
(ENV-2018-CHC-26)  
FONTERRA CO-OPERATIVE GROUP  
(ENV-2018-CHC-27)  
HORTICULTURE NEW ZEALAND  
(ENV-2018-CHC-28)  
ARATIATIA LIVESTOCK LIMITED  
(ENV-2018-CHC-29)  
WILKINS FARMING CO  
(ENV-2018-CHC-30)

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**MEMORANDUM OF COUNSEL IN RELATION TO:**

**- DIN/DRP/TN/TP legal submissions**

**- Resource Management (Freshwater Farm Plans) Regulations 2023**

**23 June 2023**

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GORE DISTRICT COUNCIL,  
SOUTHLAND DISTRICT COUNCIL &  
INVERCARGILL DISTRICT COUNCIL  
(ENV-2018-CHC-31)

DAIRYNZ LIMITED  
(ENV-2018-CHC-32)

H W RICHARDSON GROUP  
(ENV-2018-CHC-33)

BEEF + LAMB NEW ZEALAND  
(ENV-2018-CHC-34 & 35)

DIRECTOR-GENERAL OF  
CONSERVATION  
(ENV-2018-CHC-36)

SOUTHLAND FISH AND GAME  
COUNCIL (ENV-2018-CHC-37)

MERIDIAN ENERGY LIMITED  
(ENV-2018-CHC-38)

ALLIANCE GROUP LIMITED  
(ENV-2018-CHC-39)

FEDERATED FARMERS OF NEW  
ZEALAND  
(ENV-2018-CHC-40)

HERITAGE NEW ZEALAND POUHERE  
TAONGA  
(ENV-2018-CHC-41)

STONEY CREEK STATION LIMITED  
(ENV-2018-CHC-42)

THE TERRACES LIMITED  
(ENV-2018-CHC-43)

CAMPBELL'S BLOCK LIMITED  
(ENV-2018-CHC-44)

ROBERT GRANT  
(ENV-2018-CHC-45)

SOUTHWOOD EXPORT LIMITED,  
KODANSHA TREEFARM NEW ZEALAND  
LIMITED, SOUTHLAND PLANTATION

FOREST COMPANY OF NEW ZEALAND  
(ENV-2018-CHC-46)

TE RUNANGA O NGAI TAHU,  
HOKONUI RUNAKA, WAIHOPAI  
RUNAKA, TE RUNANGA O AWARUA &  
TE RUNANGA O ORAKA APARIMA  
(ENV-2018-CHC-47)

PETER CHARTRES  
(ENV-2018-CHC-48)

RAYONIER NEW ZEALAND LIMITED  
(ENV-2018-CHC-49)

ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF NEW  
ZEALAND  
(ENV-2018-CHC-50)

Appellants

AND

SOUTHLAND REGIONAL COUNCIL

Respondent

## MAY IT PLEASE THE COURT

*DIN/DRP/TN/TP*

1. Legal submissions for Forest & Bird and Fish & Game on DIN/DRP/TN/TP were filed on 1 June 2023. The Court subsequently made directions<sup>1</sup> that:

**Five working days** after supplementary technical evidence is filed, parties are to file submissions on the inclusion of the DIN/DRP maps. To provide parties the opportunity to reflect supplementary technical evidence on this topic, submissions filed last week may be recalled and new submissions filed.

2. Forest & Bird and Fish & Game do not seek to make any amendment to the legal submissions filed on 1 June 2023, except to record that in addition to the evidence already cited, they also rely on Dr Snelder's evidence dated 19 June 2023. It requests that the Court accept the submissions dated 1 June 2023 on that basis.

*Resource Management (Freshwater Farm Plans) Regulations 2023*  
(*"Regulations"*)

3. The evidence of Mr McCallum Clark filed today identifies that the effect of clause 1 of Appendix N is that from the point that Part 9A of the Resource Management Act 1991 applies to a Southland FMU, the only Appendix N content that a freshwater farm plan for a farm in that FMU will need to cover is that in Part B of Appendix N.
4. Now that the Regulations have been released and are available for public consideration, it is clear that the content of Part A of Appendix N (and the notes below Part C) should also be covered in all Southland freshwater farm plans. That content is essential to implement the pSWLP objectives and policies, and to commence the journey towards upholding te mana o te wai in accordance with the NPSFM 2020.
5. Accordingly, with respect to Mr McCallum Clark's evidence that "If the Court was minded to retain this Purpose Statement and linkage to the pSWLP objectives, then shifting those clauses to Part B of Appendix N may be an option."; Forest & Bird and Fish & Game submit that it is essential that this occurs, or in the alternative that clause 1 is amended by adding the underlined words below:

[1] A Farm Environment Management Plan must be:

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<sup>1</sup> Minto dated 7 June 2023

(1) a Freshwater Farm Plan prepared, implemented and audited in accordance with regulations prepared under Part 9A of the RMA and which apply within the Southland region, plus any additional information or components required by Part A, Part B and the Notes below Part C below; or

(2) if Freshwater Farm Plans, under Part 9A of the RMA, are not yet required in the Southland region, a Farm Environmental Management Plan will be prepared and implemented in accordance with Parts A to C below.

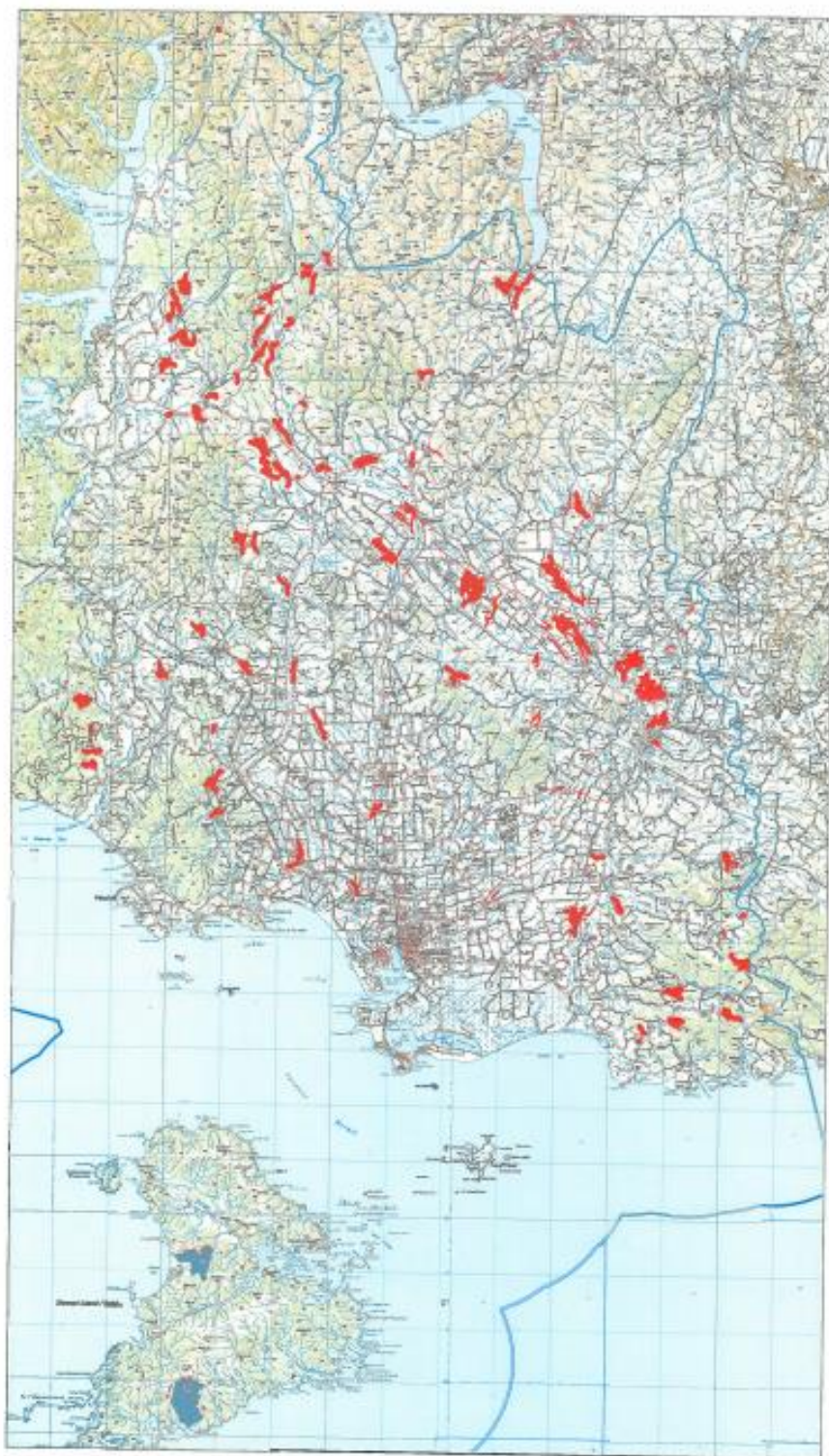
Dated 23 June 2023



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Sally Gepp  
Counsel for Southland Fish and Game Council and  
the Royal Forest and Bird Protection Society of New Zealand Inc

# Attachment 1 - Map attached to Director-General Notice of Appeal



Gollum galaxias habitat extent within the Southland Regional Council boundary

Legend:  
■ Gollum galaxias habitat extent  
— Regional Council boundary

Inset map of New Zealand showing the location of the Southland region. The Southland region is highlighted in red. Major cities shown include Greymouth, Christchurch, Dunedin, and Invercargill.

ALPD 2000 New Zealand Topographic Database  
NZ 10 publication re-imagined  
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Spatial NZ v 1.081.A00  
Published by NZDRI  
Date Published: 04/01/10  
DCC, Performance Services, Science & Policy

0 10 20 km  
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Department of Conservation  
Te Papa Ataturu  
www.dco.govt.nz