

**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)

(Continued next page)

**MEMORANDUM OF COUNSEL FOR THE SOUTHLAND REGIONAL
COUNCIL - SACRIFICE PADDOCKS**

27 February 2023

Judicial Officer: Judge Borthwick

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WILKINS FARMING CO
(ENV-2018-CHC-30)

**GORE DISTRICT COUNCIL, SOUTHLAND DISTRICT
COUNCIL & INVERCARGILL CITY 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

- 1 This Memorandum of Counsel is filed on behalf of the Southland Regional Council (**Council**) regarding the appeals on the proposed Southland Water and Land Plan (**pSWLP**).
- 2 This memorandum responds to the Court's direction arising from the Record of Pre-Hearing Conference, directing the Regional Council to file a memorandum clarifying whether, in the context of sacrifice paddocks, the Farm Environment Management Plan (**FEMP**) is to address cattle/deer or all stock, and to propose further amendments to the pSWLP on this topic (as may be required).

Council's position with respect to sacrifice paddocks

- 3 The FEMP should address all high-risk activities, given the permitted activity rule framework in the pSWLP for farming activities, and this should include sheep on 'sacrifice paddocks' or when they are managed in a similar way as to intensive winter grazing activities.
- 4 The winter grazing plan specifically addresses stock other than cattle and deer, through item (c) at [12] of Appendix N, where the list of activities that require a winter grazing plan are identified:
 - (c) *for stock other than cattle, where pasture is to provide less than 50% of the animal's diet and supplementary feed will be offered on the paddock; ...*
- 5 On this basis, the winter grazing plan requires specific consideration of sheep on the equivalent of a sacrifice paddock.
- 6 In addition, [13(b)(i)] of Appendix N requires the winter grazing plan to identify any critical source areas and how stock (i.e., not just cattle or deer) are to be excluded from those areas.
- 7 Clarification regarding setbacks or a specific requirement for exclusion of sheep from water bodies could be added to [13(g)(ii)] of Appendix N. However, a specific setback distance is not preferred as the FEMP is intended to give some flexibility as to the ultimate response, based on the specific conditions on-farm.
- 8 Accordingly, no specific amendments are proposed to the pSWLP on this topic, despite the definition of "sacrifice paddock" proposed. As set out above, there are other requirements in Appendix N that would apply

to sheep and ensure that the high-risk aspects of sheep farming activities are able to be addressed through the FEMP.

DATED this 27th day of February 2023



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