

**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)

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**MEMORANDUM OF COUNSEL FOR THE SOUTHLAND REGIONAL  
COUNCIL**

**13 March 2023**

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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 directions contained in the Court's Minute of 9 March 2023. Specifically, the Court directed the Council to confer with the other interested parties and report to the Court on any concern in principle with the Court's proposed amendments in Annexures A and B, by Monday 13 March 2023.<sup>1</sup>
- 3 The Council has no issue with the Court's drafting, but notes a minor typographical error in the definition of pasture-based wintering in Appendix N (the 'd' from "pasture-basedu wintering" is missing).
- 4 Counsel for the Director-General of Conservation advised that, given the Director-General's limited interest in Appendix N, no concerns in principle were identified.<sup>2</sup> Counsel for Federated Farmers also advised that Federated Farmers has no issue with the Court's drafting, but raised two matters of clarification.
- 5 At [12] of the Court's Minute the Court noted that, "The effect of these changes is that Rule 35B will apply to the use of sacrifice paddocks by cattle or deer while sacrifice paddocks used by other stock types, including sheep, is managed through the FEMP required by Rule 20(a)(4) and Appendix N." However, Rule 20(a)(ii)(4) only applies to dairy platforms. On that basis, Federated Farmers considered that Rule 20(a)(iii) may be the more appropriate reference. The Council agrees that Rule 20(a)(iii) is the more appropriate reference.
- 6 In addition, counsel for Federated Farmers queried whether Rule 20(a)(iv) is in the correct place, given that it also applies to dairy platforms. On that basis, it may be more appropriate to move (iv) to Rule 20(a)(ii) as new (7). The Council agrees with the suggestion in this regard.

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<sup>1</sup> At [17].

<sup>2</sup> For completeness, the Director-General is not a party to the appeals on Rule 35B or more generally regarding sacrifice paddocks.

- 7 Finally, the Council notes that as a result of the Court’s proposed amendments, the chapeaux of Rule 20(a), (c), (d) and (e) should now read, “...other than for intensive winter grazing or pasture-based wintering or sacrifice paddocks managed under Rule 35B...”.

**DATED** this 13<sup>th</sup> day of March 2023



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