

**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 REGARDING THE FRESHWATER FARM PLAN REGULATIONS**

15 June 2023

Judicial Officer: Judge Borthwick

Respondent's Solicitor
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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

Introduction

- 1 This Memorandum of Counsel is filed on behalf of the Southland Regional Council (**Council**). The purpose of this Memorandum is to update the Court regarding the recent gazettal of the Resource Management (Freshwater Farm Plans) Regulations 2023 (**Regulations**) and the Resource Management (Application of Part 9A – Freshwater Farm Plans) Order 2023 (**Order**), and to seek a direction to file evidence regarding the Regulations, the Order, and the timing issues that arise as a result.

Freshwater Farm Plan Regulations

- 2 The Regulations address the requirements for the contents of Freshwater Farm Plans and the certification and auditing processes associated with those Plans, amongst other matters.
- 3 The Order provides that the Regulations take effect in the Southland region at different points in time, on a Freshwater Management Unit (**FMU**) basis. Specifically, the Regulations apply in the following FMUs from the following dates:
 - (a) Aparima FMU – 1 August 2023;
 - (b) Fiordland and Islands FMU – 1 August 2023;
 - (c) Ōreti FMU – 1 February 2024;
 - (d) Waiau FMU – 1 February 2024; and
 - (e) Maitāura FMU – 1 July 2024.
- 4 The interplay between the Regulations and the requirements of Appendix N to the proposed Southland Water and Land Plan is complex and is further complicated by the staged approach to the application of the Regulations throughout the region (taking into account the operation of section 20A of the RMA also).
- 5 Accordingly, the Council seeks leave to file evidence regarding the Regulations and the timing implications that arise from the staged approach to the application of the Regulations, as set out in the Order, to assist the Court.

- 6 The Council does not anticipate that the evidence would be contentious (noting that the Council does not intend to address the interpretation of the Regulations themselves). To this end, it is anticipated that the evidence could be filed with the consent of all parties.

Directions sought

- 7 The Council is to file evidence regarding the Regulations and the timing implications by **Friday, 23 June 2023**.

DATED this 15th day of June 2023

A handwritten signature in blue ink, appearing to read "P. A. C. Maw", is positioned above a horizontal dotted line.

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