

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

**AT CHRISTCHURCH  
KI ŌTAUTAHI**

**IN THE MATTER** of the Resource Management Act 1991

**AND** of appeals under clause 14 of the First Schedule of the Act

**BETWEEN** **WILKINS FARMING CO**  
(ENV-2018-CHC-30)  
Appellant

**AND** **SOUTHLAND REGIONAL COUNCIL**  
Respondent

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**Memorandum for the Director-General of Conservation Tumuaki Ahurei  
Giving Notice of Intention to Withdraw her Interests in Appeal (Tranche 2)  
Dated 27 September 2023**

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**Department of Conservation**  
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Solicitor Rōia: Pene Williams

**May it please the Court,**

The following matters are respectfully submitted for the Director-General of Conservation Tumuaki Ahurei (the Director-General):

1. The Director-General filed a section 274 Notice joining part of the appeal by Wilkins Farming Co (the Wilkins appeal) against the respondent Council's decisions on the proposed Southland Water and Land Plan (pSWLP).<sup>1</sup>
2. The Director-General's interests were in the parts of the Wilkins appeal on:
  - a. Council decisions for the Physiographic Zone Policies 4 – 12 inclusive – which were finally dealt with by the Court in the Agreed Provisions decision dated 23 December 2022.<sup>2</sup>
  - b. Appendix L.5 Groundwater Allocation – as the appeal by the appellant was potentially contrary to the Director-General's own appeal on this Appendix in relation to the Te Anau aquifer.
3. The Director-General's appeal on Appendix L.5 Groundwater Allocation has been resolved.<sup>3</sup>
4. The appellant and Council have been in negotiations to resolve the outstanding matters on the Wilkins appeal, including on Appendix L.5. The Director-General has not been a part of those negotiations.<sup>4</sup>
5. I have previously advised counsel for the appellant and the Council that, as her appeal on Appendix L.5 is resolved, the Director-General has no further interest in Tranche 2.
6. Accordingly, the Director-General now gives notice of her intention to withdraw from her remaining interests in the Wilkins appeal and in Tranche 2.
7. Counsel for both the appellant and the Council have confirmed they have no issues as to costs.



P D Williams  
Counsel Rōia for the Director-General

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<sup>1</sup> Notice of Wish of Director-General of Conservation to Become Party to Proceedings dated 22 June 2018.

<sup>2</sup> *Aratiatia Livestock Limited and Others v Southland Regional Council* [2022] NZEnvC 266 at [40].

<sup>3</sup> *Supra*, Agreed Provisions decision at [17].

<sup>4</sup> Joint Memorandum of Counsel – Tranche 2 Reporting Date, dated 29 August 2023