

**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 SOUTHLAND REGIONAL ENCLOSING
UPDATED VERSION OF PLAN**

25 May 2022

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**) in respect of Tranche 1 of the appeals against the Council's decision on the proposed Southland Water and Land Plan (**pSWLP**).

Consolidated version of pSWLP

- 2 Prior to the commencement of the disputed provisions hearing, the Council prepared a version of the pSWLP showing the alternative formulations of each of the provisions which remain in dispute.¹
- 3 This consolidated version of the pSWLP has been updated to:
- (a) Record any corrections (including grammar and internal cross referencing).²
 - (b) Include the policies, rules, and methods which the Court has indicated it provisionally approves.³
 - (c) Include the relief sought by parties as articulated in the evidence filed on 6 and 8 April and 20 May 2022.⁴
 - (d) Rationalise the relief sought where there were only minor differences between parties' relief. Parties were consulted and agreed to the changes in relief sought (where relevant). The specific changes are shown in **Appendix A** for completeness.
- 4 The updated consolidated version of the pSWLP, which includes all of the above changes, is attached as **Appendix B**.

Clause 16(2) changes

- 5 The Council advises the Court and the Parties that it has made four minor amendments to the pSWLP by way of clause 16(2) of Schedule 1 of the RMA (to correct minor errors and make alterations of minor effect). These changes are detailed below, and have been included in

¹ By Memorandum dated 10 April 2022.

² Minute dated 2 May 2022 at [9](a).

³ Minute dated 2 May 2022 at [9](b).

⁴ As indicated in the Supplementary Legal Submissions for Southland Regional Council dated 13 May 2022 at [42]-[43].

the version of the pSWLP in Appendix B. Note that these changes are not shown in tracking in Appendix B.

6 Rule 54(g) has been amended as shown below:

(g) The take and use of groundwater that does not otherwise comply with Rule 54(b) to 54(f) is a non-complying activity.

7 Appendix S of the Plan, which sets out information to alert plan users to their responsibilities under the Heritage New Zealand Pouhere Taonga Act 2014, has been amended to correct an error and to accurately reflect the requirements of that Act. The specific changes are as follows:

Archaeological discovery without an authority (Protocol)

If ~~an authority is obtained, and~~ an archaeological site is subsequently discovered or is suspected, the following protocol must be followed: ...

8 In Part B of the pSWLP (the maps), four map series have had an inconsistency between their header (at the top of the page) and their titles (at the bottom of the map) corrected. The previous headers were correct, and the titles were incorrect. This has been corrected for Map Series 4, 5, 6, and 7.

9 Finally, also in Part B, the redundant "Zone C" in Map Series 5 (Fire Hazard Zones) has been removed.

DATED this 25th day of May 2022



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P A C Maw / A M Langford
Counsel for the Southland Regional Council

Appendix A – minor changes to parties’ relief

Clause/subclause	Changes to relief, as agreed by parties
Policy 16	
1(b)	Remove ‘for’ Use ‘minimise’ instead of ‘are minimised’
1(ba)	Remove ‘for’
1(ba)(iii)	Use ‘it’ instead of ‘the farming activity’ Use ‘in a [catchment]’ instead of ‘within the [catchment]’
1(c)	Insert ‘be undertaken in accordance with’ Use ‘that’ rather than ‘which’
1(c)(4)	Remove ‘prepared’ from (4)
Policy 18	
(5)	Insert ‘certified’ and ‘and audited’
Rule 20	
(a)(ii)(4)	Council supports the alternative relief proposed by Ballance in its planning evidence dated 20 May 2022
(a)(iii)	Council supports the alternative relief proposed by Ballance and Federated Farmers in their planning evidence dated 20 May 2022
(c)(i)	Council supports the alternative relief proposed by Ballance and Federated Farmers in their planning evidence dated 20 May 2022
Rule 20A	
(a)(vi)	Insert ‘winter’ before grazing plan
Matter of Discretion 1	Restructure wording (in this rule and any others where the same wording is used)
Rule 70	
(ca)(iv)	Council supports the alternative relief proposed by Ballance and Federated Farmers in their planning evidence dated 20 May 2022