

**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 COUNCIL
REGARDING APPLICATION FOR CONSENT ORDERS
3 February 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 the appeals against the Council's decision on the proposed Southland Water and Land Plan (**pSWLP**).
- 2 The purpose of this memorandum is to explain the consent documentation that is to be filed concurrently with this memorandum, and to provide the Court with an updated copy of the pSWLP.

Consent documentation

- 3 As was outlined in the memorandum dated 26 January 2022, the Council has prepared consent order documentation with respect to each of the Topic B sub-topics, being:
 - (a) Topic B1 – Water Takes.
 - (b) Topic B2 – Water Quality / Discharges.
 - (c) Topic B3 – Wetlands and Indigenous Biodiversity.
 - (d) Topic B4 – Bed Disturbance.
 - (e) Topic B5 – Farming.
 - (f) Topic B6 – Infrastructure.
 - (g) Topic B7 – Other.
- 4 For each topic, a joint memorandum of the parties, together with a supporting affidavit and draft consent order will be filed for all issues where the parties had reached agreement as at 19 November 2021.
- 5 The supporting affidavits have been prepared by an expert planner, and provide an evaluation of the changes agreed as between the parties in terms of section 32AA of the Act and (where relevant) the higher order policy documents, including in particular the National Policy Statement for Freshwater Management 2020.

Updated version of pSWLP

- 6 In order to best assist the Court in determining the appropriateness of the consent orders sought, including by demonstrating that the provisions as agreed are both vertically and horizontally integrated with the remainder of the pSWLP, the Council has prepared a version of the

pSWLP which shows all of the agreed changes in blue tracking (underline for new text and strikethrough for deleted text). This updated version of the pSWLP is enclosed as **Attachment A**.

- 7 Note that this updated version also updates the shading and footnotes showing the provisions under appeal, where an appeal has been withdrawn.
- 8 The Court and parties should note that this is not an "official" version of the pSWLP; rather it has been prepared to assist the Court with its understanding of the consent orders sought and for ease of reference for all during the upcoming Tranche 1 hearing.

DATED this 3rd day of February 2022



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

**Attachment A – updated version of pSWLP showing changes agreed as
between the parties**