

**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

10 April 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 By Minute dated 25 March 2022,¹ the Court indicated that it would be assisted if the Regional Council provides a table that sets out the policies and identifies their implementing methods.

Plan Linkages

- 2 The Council has prepared a document showing these linkages, a copy of which is attached as **Appendix 1**.

Updated version of pSWLP showing disputed provisions

- 3 In preparation for the disputed provisions part of this hearing scheduled to commence on 11 April 2022, the Council has prepared a version of the pSWLP showing the alternative formulations of each of the provisions that remain in dispute.
- 4 This document has been circulated to the Parties to ensure that it accurately reflects the relief now being pursued.
- 5 Counsel considers that this document may also be of assistance to the Court because:
- (a) it shows the disputed provisions within the context of the pSWLP as a whole; and
 - (b) it shows the relief sought by each party within the context of each of the provisions so as to avoid the need to consider multiple memoranda of Counsel outlining the provisions sought by parties.
- 6 A copy of this updated version of the pSWLP is attached as **Appendix 2**.
- 7 It is important to note that Appendix 2 does not show the changes to Policies 15A, 15B, and 16A. If the document is useful to the Court, then the document could be updated to reflect the position of all parties once all parties with an interest in these provisions have filed their evidence on them.
- 8 In order to assist the Court with how to interpret this version of the document, the following interpretation notes may assist:

¹ The second Minute issued by the Court dated 25 March 2022.

- (a) This plan version is based on the version previously circulated to the Court – it does not include any updates based on the recent hearing or any revision of party positions for the provisions subject to consent orders.
- (b) For any provision to be addressed at the disputed provisions hearing, the relief sought by parties is included within boxes in the appropriate place in the plan, with the relevant parties named. For example, for Objective 16:

Objective 16

Public access to, and along, river (excluding ephemeral rivers) and lake beds is maintained and enhanced, except in circumstances where public health and safety or significant indigenous biodiversity values are at risk.

Southland Regional Council and Director-General of Conservation:**Objective 16**

Public access to, and along, river (~~excluding ephemeral rivers~~) and lake beds is maintained and enhanced, except in circumstances where public health and safety or significant indigenous biodiversity values are at risk.

- (c) As can be seen, the relevant parties have been set out, and the tracked changes relief shown.
- (d) Where parties have sought differing relief, this is usually shown as an alternative within the box, with the main text being based on the JWS or the text agreed by most parties. For example, see Policy 18:

Beef & Lamb, Dairy Interest Parties, Fish & Game, Forest & Bird, Ngā Rūnanga, Southland Regional Council:

Policy 18

~~Reduce~~ Avoid where practicable, or otherwise remedy or mitigate, any adverse effects from the discharge of sedimentation and/or microbial contamination of contaminants to water bodies and improve river ~~(excluding ephemeral rivers)~~ and riparian ecosystems by:

1. requiring progressive exclusion of all stock, except sheep, from lakes, rivers ~~(excluding ephemeral rivers)~~, natural wetlands, artificial watercourses, and modified watercourses on land with a slope of less than 15 degrees by 2030;
- 2a. requiring the management of sheep in critical source areas and in those catchments where E.coli levels could preclude contact recreation;
3. encouraging the establishment, maintenance and enhancement of healthy vegetative cover in riparian areas, particularly through use of indigenous vegetation; and
4. ensuring that stock access to lakes, rivers ~~(excluding ephemeral rivers)~~, natural wetlands, artificial watercourses and modified watercourses is managed in a manner that avoids significant adverse effects on water quality, bed and bank integrity and stability, mahinga kai, and river aquatic and riparian ecosystems and habitats.; and
5. showing, in a Farm Environmental Management Plan prepared and implemented in accordance with Appendix N, how 1-4 will be achieved and by when.

Director-General of Conservation:

5. showing, in a Farm Environmental Management Plan prepared, certified, and implemented and audited in accordance with Appendix N, how 1-4 will be achieved and by when.

- (e) As can be seen, in order to more clearly identify differences, bold is selectively used where this may be helpful.
- (f) Where there is a provision with multiple sub-clauses, the relief sought is shown for each subclause, as many parties only seek reasonably small differences. For example, for Policy 16, all changes to sub-clause 1 are addressed before sub-clause 2 etc.
- (g) Policy 16 and Appendix N are complex and have a range of changes sought. A good place to become familiar with format used is Rules 20 and 20A, prior to considering Policy 16 and Appendix N.

DATED this 10th day of April 2022



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