

**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 EVIDENCE OF DR ROSS MONAGHAN
25 February 2022**

Judicial Officer: Judge Borthwick

Respondent's Solicitor
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WYNNWILLIAMS

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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.

Background

- 2 In the Record of Pre-Hearing Conference, the Court directed the parties to identify witnesses to give technical evidence in support of the agreed amended provisions by Friday 18 February 2022, with that evidence to be filed by Friday 25 February 2022.¹
- 3 By Memorandum dated 18 February 2022, the Council advised that Dr Ross Monaghan had been identified as the appropriate witness to give evidence in relation to critical source area management, setbacks, and intensive winter grazing, but that he was not available to prepare evidence in advance of the hearing. Accordingly, Counsel sought directions that Dr Monaghan be called in the all of parties' case to swear-in his evidence, and that in the meantime, Counsel would file a Memorandum directing the Court to the relevant parts of Dr Monaghan's evidence and the relevant joint witness statements.
- 4 The Court made such a direction on 22 February 2022.²
- 5 This Memorandum provides the Court with references to the relevant parts of those documents.

Relevant parts of Dr Monaghan's evidence and the farm systems Joint Witness Statements

- 6 In support of the agreed positions reached in relation to critical source area management, setbacks, and intensive winter grazing, the Court's attention is drawn to the following:

Statement of Evidence of Dr Ross Monaghan dated 11 February 2022

- (a) Paragraphs 11, 13, and 14.

¹ Record of Pre-Hearing Conference dated 15 February 2022 at [42](c) and (d).

² By email from Maddy Brownlee at 12:33pm.

*Joint Witness Statement – Land Management / Farm Systems – dated
22 November 2021*

(b) The answers to questions 6, 8, 9, 10, 11, 12, 13, and 16.

*Joint Witness Statement – Land Management / Farm Systems – dated
6 December 2021*

(c) The answers to questions 1, 3, 7, and 13.

7 Counsel confirms that Dr Monaghan will be available to the Court should it wish to call him at the all of parties' hearing.

DATED this 25th day of February 2022



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