

UNDER the Resource Management Act 1991 ("RMA")

IN THE MATTER of appeals under Clause 14 of the First Schedule to the RMA in relation to the decision on the proposed Southland Water and Land Plan

BETWEEN **WILKINS FARMING COMPANY LTD**
Appellant / s274 Party

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

**MEMORANDUM OF COUNSEL CONFIRMING CHANGES BEING PURSUED BY
WILKINS FARMING COMPANY LTD**

22 FEBRUARY 2022

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MAY IT PLEASE THE COURT

1. All parties have been directed to file a memorandum by 22 February 2022 setting out the changes to provisions being pursued.
2. I confirm Wilkins agrees with the tracked changes in the attachment to the 10 December 2021 Joint Witness Statement from Expert Conferencing as they relate to the deletion of Rule 20(a)(iii)(3)(D) and (E) (and the absence of similar provisions in proposed new replacement Rule 20A).
3. I confirm Wilkins is pursuing its request to change the permitted activity standard for Intensive Winter Grazing to read:

*intensive winter grazing does not occur on more than
15% of the area of the landholding.*

4. For completeness, I confirm that the matters in paragraph 2 and 3 are all of the matters where Wilkins has the scope to participate and/or comment in the Topic B, Tranche 1 matters by virtue of its appeal and s274 interests.
5. **Attachment A** shows in track the change being pursued to the Decisions Version of the pSWLP.
6. **Attachment B** shows in track the change being pursued using the attachment to the 10 December 2021 Joint Witness Statement from Expert Conferencing as the base document.
7. **Attachment C** shows in track the alternative change being pursued (using the attachment to the 10 December 2021 Joint Witness Statement from Expert Conferencing as the base document) in the event the percentage used in the permitted activity standard is less than 15%.

DATED 22 February 2022



B S Carruthers
Counsel for Wilkins Farming Co Ltd

ATTACHMENT A: CHANGE TO DECISIONS VERSION OF PSWLP

Rule 20(a)(ii)(1):

From 1 May 2019, intensive winter grazing does not occur on more than 15% of the area of the landholding ~~or 100 hectares, whichever is the lesser area;~~

ATTACHMENT B: CHANGE TO ATTACHMENT TO 10 DECEMBER 2021 JOINT WITNESS STATEMENT

Rule 20A(a)(i)

intensive winter grazing does not occur on more than 50ha or ~~10%~~ 15% of the area of the landholding whichever is the greater;

ATTACHMENT C: ALTERNATIVE RELIEF IN EVENT PERCENTAGE IS LESS THAN 15%

Rule 20A(aa) (to follow 20A(a)):

(aa) Intensive winter grazing is a permitted activity if it occurs on more than 50 ha and on more than 10% of the landholding and a certifier certifies, in accordance with Appendix N Part C, that the adverse effects (if any) allowed by the winter grazing plan in a Farm Environment Management Plan are no greater than those allowed by 20A(i)-(v).