

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 LIMITED**
Appellant

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

MEMORANDUM OF COUNSEL ON TOPIC B5

9 FEBRUARY 2022

B S CARRUTHERS

Telephone: (021) 685 809
Email: bcarruthers@shortlandchambers.co.nz
Postal: PO Box 4338
Shortland Street
AUCKLAND 1140

**TO: The Registrar
Environment Court**

AND TO: the Parties

MAY IT PLEASE THE COURT

1. This memorandum is filed on behalf of Wilkins Farming Company Limited (**Wilkins**), the appellant in proceedings ENV-2020-CHC-000030 and section 274 party in other proceedings relating to the proposed Southland Water and Land Plan (**pSWLP**).
2. Wilkins' interest in Topic B5 is limited to the Intensive Winter Grazing (**IWG**) Rule, which is currently Rule 20(a) but may become Rule 20A and potentially also Rule 20B.
3. The memorandum filed by Southland Regional Council (**SRC**) yesterday recorded Wilkins does not support the "agreed wording" in the 10 December 2022 JWS in relation to both Rule 20 and Rule 20A. This is incorrect.
4. To clarify for the Court:

Mob sizes

- 4.1 Paragraph 30 of the final Joint Witness Statement of the Planning Experts dated 10 December (10 December JWS) confirms agreement to delete the restrictions on mob sizes in the IWG rule.
- 4.2 The restriction on mob size in Rule 20(a)(iii)(3)(E) has been deleted in the tracked changes provisions attached to the 10 December JWS and does not appear in the redrafted IWG rule (Rule 20A).
- 4.3 Wilkins supports the agreed deletion.

Supplementary feed

- 4.4 Paragraph 30 of the 10 December JWS confirms agreement to delete the requirement to place supplementary feed in portable feeders in the IWG rule.
- 4.5 The requirement to place supplementary feed in portable feeders in Rule 20(a)(iii)(3)(D) has been deleted in the tracked changes provisions attached to the 10 December JWS and is also shown as deleted in the redrafted IWG rule (Rule 20A).

4.6 Wilkins supports the agreed deletion.

Extent of Landholding

4.7 The yellow highlighting on page 5 of the tracked changes provisions attached to the 10 December JWS identifies that agreement was not reached in relation to the extent of landholding able to be used for IWG as a permitted activity.

4.8 This remains a live issue for Wilkins and has been addressed in evidence.

DATED 9 February 2022

A handwritten signature in blue ink, appearing to be 'B S Carruthers', is written over a light blue horizontal line.

B S Carruthers
Counsel for Wilkins Farming Company Limited