

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

ENV-2018-CHC-26 to 50

Under the Resource Management Act 1991

In the matter of appeals under clause 14 of Schedule 1 to the Act relating to the proposed Southland Water and Land Plan

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 THE DAIRY INTERESTS IN
RELATION TO THE DATA, FACTS, AND INFORMATION
RELEVANT TO THE DEVELOPMENT OF INDICATORS OF THE
ECOLOGICAL HEALTH OF WATERBODIES**

Judicial Officer Judge Borthwick

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WILKINS FARMING CO
(ENV-2018-CHC-30)

**GORE DISTRICT COUNCIL, SOUTHLAND DISTRICT COUNCIL
& INVERCARGILL DISTRICT 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 Fonterra Co-Operative Limited and DairyNZ Limited (collectively “the Dairy Interests”). It responds to the directions of the Court dated 5 August 2019 inviting parties to identify data, facts and information relevant to the development of indicators of the ecological health of Southland’s waterbodies.

- 2 The Dairy Interests have reviewed the memoranda filed by Counsel for the Southland Regional Council, the Territorial Authorities, Ngā Rūnanga and Meridian Energy Limited and have conferred with their expert witnesses who are generally satisfied with the reference material suggested by other parties with the addition of the following two reports:
 - 2.1 Dr Elaine Moriarty *Sheep as a Potential Source of Faecal Pollution in Southland Waterways* (Institute of Environmental Science and Research Limited CSC17002 2013; and

 - 2.2 Michael A Pingram, Kevin J Collier, Mark P Hamer, Bruno O David, Alicia K Catlin and Joshua P Smith “Improving region-wide ecological condition of Wadeable streams: Risk analyses highlight key stressors for policy and management” (2019) 92 *Environmental Science and Policy* 170-181.

- 3 Counsel is able to provide copies of the above reports on request and apologises for the delay in lodgement of this memorandum.

Dated 26 August 2019



Katherine Forward

Solicitor for DairyNZ Limited and on behalf of Fonterra Co-operative Group Limited