

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

**AT CHRISTCHURCH  
KI ŌTAUTAHI**

**IN THE MATTER** of the Resource Management Act 1991

**AND** of appeals under clause 14 of the First Schedule of  
the Act

**BETWEEN** **TRANSPower NEW ZEALAND LTD**  
**(ENV-2016-CHC-26)**  
Appellant

**FONterra CO-OPERATIVE GROUP LTD**  
**(ENV-2018-CHC-27)**  
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**AND** **SOUTHLAND REGIONAL COUNCIL**  
Respondent

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**Memorandum for the Director-General of Conservation Tumuaki Ahurei  
Confirming Final Relief Sought on Rule 13(2)**

Dated 3 February 2023

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**Department of Conservation**  
Planning, Permissions and Land  
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Phone Waea: 027 408 3324  
Solicitor Rōia: Pene Williams

**BETWEEN**

**ARATIATIA LIVESTOCK LTD**

(ENV-2018-CHC-29)

**WILKINS FARMING CO**

(ENV-2018-CHC-30)

**GORE AND SOUTHLAND DISTRICT COUNCILS,**

**INVERCARGILL CITY COUNCIL**

(ENV-2018-CHC-31)

**DAIRYNZ LTD**

(ENV-2018-CHC-32)

**H W RICHARDSON GROUP LTD**

(ENV-2018-CHC-33)

**BEEF + LAMB NEW ZEALAND**

(ENV-2018-CHC-34 AND 35)

**DIRECTOR-GENERAL OF CONSERVATION**

(ENV-2018-CHC-36)

**SOUTHLAND FISH & GAME COUNCIL**

(ENV-2018-CHC-37)

**MERIDIAN ENERGY LTD**

(ENV-2018-CHC-38)

**FEDERATED FARMERS OF NEW ZEALAND**

(ENV-2018-CHC-40)

**SOUTHWOOD EXPORT LTD, SOUTHLAND PLANTATION**

**FOREST COMPANY OF NZ**

(ENV-2018-CHC-46)

**TE RUNANGA O NGAI TAHU, HOKONUI RUNAKA,**

**WAIHOPAI RUNAKA, TE RUNANGA O AWARUA AND TE**

**RUNANGA O ORAKA APARIMA**

(ENV-2018-CHC-47)

**RAYONIER NEW ZEALAND LTD**

(ENV-2018-CHC-49)

**ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NZ**

**INC**

(ENV-2018-CHC-50)

Appellants

**May it please the Court,**

The following matters are respectfully put forward for the Director-General of Conservation Tumuaki Ahurei (the Director-General):

1. The Court has enquired about the Director-General's position on Rule 13(2) of the proposed Southland Water and Land Plan (pSWLP) as follows:  
*The court asks Ms Williams to confirm the Director-General's position on the wording of Rule 13 (2). At paragraph [6] of Ms Williams closing submission, counsel advises that if she does not address a matter in closing the Director-General supports the wording proposed by the Regional Council. However, in the August Consolidated Plan the Director-General is proposes wording that differs from the Regional Council.*
2. The Court has requested a response by Tuesday 7 February 2023.
3. I have reviewed the transcript for the hearing and in particular the cross-examination of the Director-General's witness, Ms Linda Kirk, by Mr Maw for the Council on 9 June 2022.<sup>1</sup> Ultimately Ms Kirk agreed with the propositions put by Mr Maw that it would be a very difficult task for the Council to apply Appendix E thresholds, and there were better protections to reduce the risk of deposited fine sediment establishing.<sup>2</sup>
4. The proposed wording for Rule 13(2) by Mr McCallum-Clark for the Regional Council in the August version of the consolidated plan<sup>3</sup> addresses the matters raised in the cross-examination of Ms Kirk.
5. I confirm the Director-General does indeed support the Council's revised wording for Rule 13(2) in the August 2022 version of the consolidated plan as stated at paragraph 6 of the Director-General's closing legal submissions.
6. I apologise, as this change in the relief sought on Rule 13(2) was not picked up and addressed in the Memorandum for the Director-General setting out final relief sought, which still referred to the June version of the pSWLP.<sup>4</sup>



P D Williams  
Counsel Rōia for the Director-General

<sup>1</sup> Cross-examination of Ms Kirk by Mr Maw for SRC, in particular at 1416-1418.

<sup>2</sup> Supra at 1418.

<sup>3</sup> Supplementary statement of evidence of Matthew McCallum-Clark for Southland Regional Council – Consolidated version of Plan – dated 3 August 2022

<sup>4</sup> Memorandum for the Director-General of Conservation Tumuaki Ahurei re relief sought in Topic B, Tranche 1 – dated 27 July 2022