

**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)

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**MEMORANDUM OF COUNSEL FOR THE SOUTHLAND REGIONAL  
COUNCIL REGARDING MR MCCALLUM-CLARK'S EVIDENCE ON THE  
FRESHWATER FARM PLAN REGULATIONS**

**23 June 2023**

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Judicial Officer: Judge Borthwick

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Respondent's Solicitor  
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**WYNN WILLIAMS**

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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**

### **Introduction**

- 1 This Memorandum of Counsel is filed on behalf of the Southland Regional Council (**Council**) and responds to the Court's Minute dated 19 June 2023.
- 2 In that Minute, the Court directed the Council to file a brief of evidence by Friday 23 June 2023 regarding the interface of the Resource Management (Freshwater Farm Plans) Regulations 2023 and the proposed Southland Water and Land Plan (**pSWLP**).

### **Mr McCallum-Clark's evidence**

- 3 Mr McCallum-Clark has prepared a brief of evidence on behalf of the Council addressing the Regulations, the Resource Management (Application of Part 9A – Freshwater Farm Plans) Order 2023, and the timing implications for the pSWLP.

### **Parties' positions**

- 4 A draft of Mr McCallum-Clark's evidence was circulated to all parties ahead of filing.
- 5 The following parties responded and agreed that the evidence could be admitted by consent:
  - (a) The Director-General of Conservation;
  - (b) Royal Forest and Bird Protection Society of New Zealand Incorporated;
  - (c) Southland Fish and Game Council;
  - (d) Federated Farmers of New Zealand;
  - (e) Wilkins Farming Co;
  - (f) The Dairy Interests; and
  - (g) Ravensdown.
- 6 Beef + Lamb NZ takes no position on the admission of the further evidence from Mr McCallum-Clark.
- 7 Ngā Rūnanga takes a neutral position.

**DATED** this 23<sup>rd</sup> day of June 2023



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**P A C Maw / I F Edwards**  
Counsel for the Southland Regional Council