

**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)

(Continued next page)

**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL
RESPONDING TO MINUTE DATED 3 MARCH 2022
7 March 2022**

Judicial Officer: Judge Borthwick

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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

- 1 This Memorandum of Counsel is filed on behalf of the Southland Regional Council (**Council**) in respect of the appeals against the Council's decision on the proposed Southland Water and Land Plan.
- 2 By Minute dated 3 March 2022, the Court directed the Regional Council to update the list of provisions identified in [6] and [7] of the Minute with any other provisions parties would have the Court consider in the all of parties hearing to be held in March 2022.¹
- 3 The Council was also directed to provide the relevant passages from the evidence of Mr McCallum-Clark and Ms Maciaszek, and any technical evidence, which supports those provisions.²
- 4 Pursuant to this direction, the Council has prepared a list of those provisions which have been agreed between the parties following expert conferencing and which it would have the Court consider in the all of parties hearing. This is attached as **Appendix A**.
- 5 For the avoidance of doubt, it is noted that Policy 18 (which was included in paragraph [6] of the Minute) and Rules 51 and 70 (which were included in paragraph [7] of the Minute) are not proposed to be included in the all of parties hearing as elements of these are not agreed as between the parties.
- 6 All provisions listed in paragraph [8] of the Minute, other than those set out in Appendix A, either remain in dispute, or are linked to the matters in dispute such that it is appropriate for them to be considered together (e.g. the definition of "stock unit"). The exception to this is for the definitions of "cultivation" and "stick raking or slash raking". While Rule 25 which regulates cultivation is still in dispute, these definitions are fully agreed and have the effect of removing forestry from consideration under Rule 25, thereby severing that link. Counsel considers it appropriate for these definitions to be considered as part of the all of parties hearing.

¹ Minute dated 3 March 2022 at [12].

² Minute dated 3 March 2022 at [12].

- 7 As directed, the table in Appendix A identifies the relevant passages of the evidence of Mr McCallum-Clark and Ms Maciaszek which support those provisions, along with any other witnesses whose evidence they rely upon.
- 8 Counsel notes that Mr Wyeth's evidence is relied on by Mr McCallum-Clark in relation to the definitions of "cultivation" and "stick raking or slash raking". Counsel for Rayonier has confirmed that Mr Wyeth is available to be called at the all of parties hearing to give evidence on this matter and answer any questions from the Court. Counsel will amend the draft hearing schedule to include Mr Wyeth for Topic B5.

DATED this 7th day of March 2022



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P A C Maw / A M Langford
Counsel for the Southland Regional Council

Appendix A – provisions agreed following expert conferencing, to be considered in the all of parties hearing

Topic	Provision	SRC evidence in support	Other witnesses relied upon
B2	Physiographic Zone Policies (Policies 4 – 12)	Matthew McCallum-Clark at [96].	Nil
B2	Policy 15C	Matthew McCallum-Clark at [25] – [27], p46.	Nil
B2	Rule 13	Matthew McCallum-Clark at [28] – [32], p46-47.	Nil
B5	Definition – cultivation	Matthew McCallum-Clark at [97]-[99], p59.	Jerome Wyeth at [10] – [20] of his 20 December 2021 Statement of Evidence; and at [13] – [41] of his Will Say Statement (appended to his 20 December 2021 Statement of Evidence as Appendix A)
B5	Definition – stick raking or slash raking	Matthew McCallum-Clark at [97]-[99], p59.	Jerome Wyeth at [10] – [20] of his 20 December 2021 Statement of Evidence; and at [13] – [41] of his Will Say Statement (appended to his 20 December 2021 Statement of Evidence as Appendix A)