

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA  
ŌTAUTAHI ROHE**

**UNDER** the Resource Management Act 1991

**IN THE MATTER** of appeals under Clause 14 of the First Schedule of the Act

**BETWEEN** **WILKINS FARMING COMPANY LIMITED, (ENV-2018-CHC-030) and (ENV-2018-AKL-380)**  
**Appellant**

**AND** **SOUTHLAND REGIONAL COUNCIL**  
**Respondent**

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**JOINT MEMORANDUM OF COUNSEL - TRANCHE 2 REPORTING DATE  
31 May 2024**

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Judicial Officer: Judge Steven

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## MAY IT PLEASE THE COURT

### Introduction

- 1 This Joint Memorandum of Counsel responds to the Court's direction, dated 22 February 2024, in relation to:
  - (a) The balance of the appeal by Wilkins Farming Co Limited (**Wilkins**) against the decision by Southland Regional Council (**Council**) to grant resource consent to take and use groundwater subject to conditions (ENV-2018-AKL-0380); and
  - (b) That part of the Wilkins' appeal against the decisions of the Council on the proposed Southland Water and Land Plan (ENV-2018-CHC-0030) identified as Topic B1, Tranche 2.
- 2 Background to the two appeals was set out in our Joint Memorandum of Counsel dated 31 October 2023.<sup>1</sup>
- 3 Both appeals currently remain on hold, pending progress of the Council's consent review process which aims to resolve the possible overallocation of the Mataura River. This Joint Memorandum reports on the progress since the last reporting date.

### Progress since last reporting date

- 4 With regard to the consent review process, progress has continued to be made following the Courts direction on 22 February 2024.
- 5 The 34 affected consent holders and the Council have been actively working together on a solution that achieves the stream depletion effect reductions necessary to address overallocation in the catchment. A well-attended meeting was held on 29 May 2024 to discuss the proposed solution and the affected consent holders have agreed to confirm their positions in relation to the proposed solution by 15 June 2024. Assuming agreement is reached, the Council will then process the consent reviews.
- 6 It is anticipated that:

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<sup>1</sup> Joint Memorandum of Counsel dated 31 October 2023 at [3]-[8].

- (a) The proposed solution will result in agreed changes being made to the conditions of consent the subject of the remaining appeal on the resource consent;
  - (b) The workstreams undertaken to promulgate the proposed solution are likely to assist the parties to refine (or potentially resolve) the remaining points of the pSWLP appeal.
- 7 On that basis, Counsel respectfully requests that the appeals remain on hold and a further reporting date of Friday 23 August 2024 is directed, to allow the parties time to complete the consent review process, prepare consent documentation for the resource consent appeal and discuss amendments to the pSWLP provisions the subject of the Wilkins' appeal.
- 8 Counsel have consulted with the section 274 parties in relation to the directions sought, and none of the parties object.

**Directions sought**

- 9 The parties respectfully seek that:
- (a) the appeals remain on hold; and
  - (b) the parties are to file a Joint Memorandum reporting on progress by **Friday, 23 August 2024**.

**DATED** this 31<sup>st</sup> day of May 2024.



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**P A C Maw**

Counsel for the Southland Regional Council



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**B S Carruthers KC**

Counsel for Wilkins Farming Company Limited