

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH
I MUA I TE KOOTI TAIAO O AOTEAROA
KI OTAUTAHI**

ENV-2018-CHC-34

IN THE MATTER OF The Resource Management Act 1991

AND

IN THE MATTER OF Appeals under clause 14 of the First Schedule to the Act

BETWEEN **BEEF+LAMB NEW ZEALAND LIMITED**

Appellant

AND **SOUTHLAND REGIONAL COUNCIL**

Respondent

**MEMORANDUM OF COUNSEL FOR BEEF+LAMB NEW ZEALAND
LIMITED WITHDRAWING APPEAL ON POLICY 18(2A)
20 December 2021**

FLETCHER VAUTIER MOORE
LAWYERS
PO BOX 3029
RICHMOND 7050

Solicitor: CP Thomsen & CH Luisetti
Telephone: (03) 543 8301
Email: cthomsen@fvm.co.nz
cluisetti@fvm.co.nz

MAY IT PLEASE THE COURT:

1. Beef+Lamb New Zealand Limited (B+LNZ) is an appellant seeking changes to two provisions of the proposed Southland Water and Land Plan (PWSLP) and a new definition, namely:
 - (a) Policy 18(2a).
 - (b) Rule 17(e).
 - (c) New definition of *stock unit*.
2. This memorandum addressed various procedural matters consequent to the filing of evidence in support of its appeal today.

Withdrawal of Part of Appeal

3. In respect of policy 18(2a) B+LNZ gives notice that it is withdrawing that part of its appeal¹.
4. B+LNZ has advised the parties to its appeal of its intention to withdraw its appeal on policy 18(2a) and has received advice from the Regional Council, Forest & Bird and Fish & Game that there are no issues as to costs from those parties. No other parties have responded to correspondence from this counsel to date. It is suggested that the Registry may be able to make further enquiries in this regard or, alternatively, Counsel is content to address this matter at hearing.

B+LNZ Position – JWS version rule 70

5. Counsel also takes this opportunity to record that B+LNZ's position in respect of rule 70 and the definition of *stock unit* is consistent with the position of the land management/farm systems experts and expert planners set out in various joint witness statements following conferencing through November and December. This position has significantly influenced the briefing of B+LNZ's evidence.
6. It is noted proposed rule 70((ca)(iii) from the joint witness statement of the planning experts is not supported by B+LNZ's planning witness, Ms Foster. Her position is addressed in her evidence on account of her obligations

¹ See paragraphs 6.a, 9 and 11.a Notice of Appeal dated 16 May 2018.

under the Court's Code of Conduct for Expert Witnesses. Notwithstanding Ms Foster's position, counsel can advise that B+LNZ will not oppose the position of the majority of the planning experts on this part of the rule.



CP Thomsen
Counsel for Beef+Lamb New Zealand
20 December 2021