

**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)  
WILKINS FARMING CO  
(ENV-2018-CHC-30)

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**MEMORANDUM OF COUNSEL FOR SOUTHLAND FISH AND GAME  
COUNCIL AND THE ROYAL FOREST AND BIRD PROTECTION  
SOCIETY OF NEW ZEALAND INC**

**5 February 2020**

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GORE DISTRICT COUNCIL,  
SOUTHLAND DISTRICT COUNCIL &  
INVERCARGILL DISTRICT 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. Counsel refers to the Court's Minute dated 4 February 2020.
2. As a result of the Court making clear that at this stage it seeks that the parties address case management directions only on the matters set out at paragraph [347] of the Interim Decision,<sup>1</sup> counsel respectfully seeks leave to be excused from attending the pre-hearing conference on 10 February 2020.
3. The grounds for this request are that:
  - a. Counsel supported the proposal for a pre-hearing conference based on the incorrect understanding that it was to address other aspects of the Interim Decision where further submissions or evidence were called for.
  - b. Forest & Bird and Fish & Game agree with the Court's approach to implementation and interpretation of Te Mana o Te Wai and ki uta ki tai, and with the concept of re-ordered Korowai objectives.<sup>2</sup> They seek to be heard on those matters to the extent that other parties take a contrary position.
  - c. They will abide the Court's decision on case management directions relating to further evidence and submissions on those topics.



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Sally Gepp  
Counsel for Southland Fish and Game Council  
and the Royal Forest and Bird Protection Society of New Zealand Inc

Date: 5 February 2020

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<sup>1</sup> [2019] NZEnvC 208

<sup>2</sup> As set out in the Provisions supported by Southland Fish and Game Council and the Royal Forest and Bird Protection Society of New Zealand Inc dated 30 July 2019 (annexed to closing submissions).