

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I MUA I TE KŌTI TAIAO Ō AOTEAROA  
KI ŌTAUTAHI**

**UNDER** the Resource Management Act  
1991

**IN THE MATTER OF** an appeal under Clause 14(1) of  
the First Schedule of the Act in  
relation to the proposed Southland  
Water and Land Plan

**BETWEEN** **TRANSPower NEW ZEALAND  
LIMITED**  
**ENV-2018-CHC-026**

and others

Appellants

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

Respondent

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**MEMORANDUM OF COUNSEL**  
on behalf of Section 274 Party  
Invercargill City Council (Water Manager)

Dated: 13 October 2021

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*Filed by*  
**INVERCARGILL CITY COUNCIL**  
Civic Administration Building  
101 Esk Street  
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Invercargill 9840  
Ph: (03) 211 1777  
*Solicitor Acting: M D Morris*  
*e: Michael.Morris@icc.govt.nz*

The Invercargill City Council (Water Manager) is a Section 274 Party to the following Appeals:

**Transpower New Zealand Limited** ENV-2018-CHC-026 and  
**Wilkins Farming Company Limited** ENV-2018-CHC-030 and  
**Gore District Council, Southland District Council, Invercargill City Council** ENV-2018-CHC-031 and  
**Southland Fish and Game Council** ENV-2018-CHC-037 and  
**Alliance Group Limited** ENV-2018-CHC-039 and  
**Heritage New Zealand Pouhere Taonga** ENV-2018-CHC-041 and  
**Te Rūnanga o Ngāi Tahu, Hokonui Rūnaka, Waihopai Rūnaka, Te Rūnanga o Awarua and Te Rūnanga o Oraka Aparima** ENV-2018-CHC-047  
**Royal Forest and Bird Protection Society of NZ Incorporated** ENV-2018-CHC-050

and

**Southland Regional Council**, Respondent

## MAY IT PLEASE THE COURT

1. This memorandum is filed in preparation for the Pre Hearing conference on 19 October 2021.
2. There is only one outstanding issue unresolved for the Invercargill City Council – (Water Manager) (ICC Water Manger) and this is Topic B1 Issue 6 being the wording of Policy 42(2).
3. There is proposed wording agreed to by the majority of Parties, but not all, to resolve this issue.
4. In response to the issues, the Court seeks confirmation on:
  - 4.1 The evidence timetable proposed is acceptable.
  - 4.2 The issues of fact and opinion to be resolved are agreed.
  - 4.3 The Water Manager is not seeking to call a witness to this issue, making only legal submissions.
  - 4.4 No experts to be called.
5. Given the limited nature of the ICC Water Manager's interest, Counsel is seeking leave to be excused from attending the Pre Hearing Conference on 19 October 2021<sup>1</sup>.
6. Counsel confirm that the ICC Water Manager will agree by all and any directions the Court makes in relation to this last issue.
7. Counsel also confirms that there are no other concerns / comments to make that are not otherwise outlined in this Memorandum.

Dated this 13<sup>th</sup> day of October 2021



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Michael Morris  
Counsel for Invercargill City Council (Water Manager)

**To:** The Registrar  
Environment Court  
Attention: Maddy Brownlee  
CHRISTCHURCH

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<sup>1</sup> In accordance with Direction 15 (f) of the Minute dated 4 October 2021.

**Address for service**

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