

**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)

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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**

**29 July 2022**

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**ARATIATIA LIVESTOCK LIMITED**

(ENV-2018-CHC-29)

**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 responds to the Court's direction for any party disputing scope to file a memorandum identifying the relevant provision and briefly stating the basis for the challenge.
2. Forest & Bird and Southland Fish & Game Council dispute that there is scope:
  - a. To delete the reference in Rule 70(a) to "including an ephemeral river". The only appeals on Rule 70 were by Beef+Lamb, Fish & Game and Forest & Bird. The Beef+Lamb appeal relates to Rule 70(e), and concerns stocking rates and sheep access. The Forest & Bird and Fish & Game appeals sought to insert references to ephemeral rivers into rules 70(c) and (d). The appeal by Ngā Runanga sought to delete the text "excluding ephemeral rivers" throughout the plan, on the basis that ephemeral water bodies are critical source areas. It did not seek to delete text including ephemeral rivers.
  - b. To amend Rule 70(ca) in the manner sought by Federated Farmers. Federated Farmers did not appeal Rule 70, the relief appears to go beyond that sought in Beef+Lamb's appeal.

Dated 29 July 2022



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Sally Gepp  
Counsel for Forest & Bird and Fish & Game