

**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**  
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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 accordance with the Courts directions dated 22 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. The ICC Water Manager supports the changes proposed to Polciy 42(2) in Topic B1 Issue 6- as promoted by the Regional Council as:

### ***Policy 42(2)<sup>1</sup>***

2. *Except for non-consumptive uses or community water supply, consents replacing an expiring resource consent for an abstraction from an over-allocated water body will generally shall only be granted at a reduced rate the reduction being proportional to the amount of over allocation and previous use, using the method set out in Appendix O; and*

4. There is only the outstanding of appeal of Wilkins Farming Limited on this point to be resolved- as Counsel understands it.

Dated this 29<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> Note that these changes are in respect of the Fish & Game appeal. Wilkins' appeal remains unresolved.

**Address for service**

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