

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY**

**I MUA I TE KOOTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

UNDER THE Resource Management Act 1991 ("**Act**")
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)

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**MEMORANDUM OF COUNSEL FOR FEDERATED FARMERS SOUTHLAND
INCORPORATED AND WILKINS FARMING COMPANY LIMITED**

17 MARCH 2023

Counsel:
B S Carruthers KC
Shortland Chambers
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Auckland 1140

WILKINS FARMING COMPANY LIMITED
(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)

STONE 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 acts for both Federated Farmers Southland Incorporated and Wilkins Farming Company Ltd in relation to Topic B, Tranche 1, of the proposed Southland Water and Land Plan.
2. Mrs Bernadette Hunt for Federated Farmers and Mr Sean Wilkins for Wilkins Farming are participating in the sense check of Appendix N and will be made available for questioning at the resumed hearing.
3. The Minute of the Environment Court dated 9 March 2023 indicates the proceeding will resume in the week commencing 15 May 2023 and asks parties to prioritise the event.
4. Counsel regrettably and respectfully requests the hearing not resume the week of 15 May 2023. A council hearing is proceeding that week on applications to discharge municipal wastewater from two separate wastewater treatment plants to the same harbour environment, where counsel is acting for the applicant local authority and, but for s124 of the Act, the existing consents would have lapsed in 2016 and 2019 respectively. Scheduling has proven exceptionally difficult, with the week of 15 May the earliest hearing time available this year, and the next available hearing date is September at the earliest. While a council-level hearing would generally not take priority, in the circumstances counsel would be most grateful if it could.
5. Counsel has conferred with the other counsel who have witnesses involved in the sense check process and advise that we are collectively available in the weeks of:
 - (a) 29 May 2023;
 - (b) 12 June 2023; or
 - (c) 19 June 2023.
6. Of the three alternative weeks proposed, Mr Wilkins has advised a preference for the third week on the basis that the other two weeks are a busy period on farm if that can be accommodated, but he will be in attendance regardless if it cannot.
7. Counsel is available for a teleconference if required to confirm the date for the resumed hearing.

DATED 17 March 2023

A handwritten signature in blue ink, appearing to be 'B S Carruthers', is written over a horizontal line.

B S Carruthers KC

Counsel for Federated Farmers Southland Incorporated
and Wilkins Farming Company Limited