

**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)

*(Continued on next page)*

---

**MEMORANDUM OF COUNSEL FOR FEDERATED FARMERS IN SUPPORT OF  
APPLICATION TO RECALL PARTS OF THE ENVIRONMENT COURT'S SIXTH  
INTERIM DECISION**

**2 MAY 2023**

---

---

**Counsel:**  
B S Carruthers KC  
Shortland Chambers  
P +64 21 685 809  
PO Box 4338  
Auckland 1140

**Solicitors:**  
Federated Farmers of NZ  
M T N Campbell  
P +64 21 627 936  
PO Box 715  
Wellington 6140

**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. In response to issues raised at the Pre-Hearing Conference of 13 April 2023, the Court issued a Minute dated 18 April 2023 providing parties the opportunity to recall parts of the Sixth Interim Decision relating to Rule 78.<sup>1</sup> Subsequently Southland Regional Council (the **Council**) on 28 April 2023 applied to recall of all parts of the Sixth Interim Decision which relate to Rule 78, including paragraphs [268]-[295].
2. This memorandum notifies the Court and parties that Federated Farmers Southland Incorporated (**Federated Farmers**) supports the Council's application to recall those parts of the Sixth Interim Decision.
3. As referenced in the Court's Minute of 18 April 2023, Federated Farmers has appealed parts of the Sixth Interim Decision that relate to Rule 78.<sup>2</sup> Counsel can indicate that if this Court was to recall the parts of the Sixth Interim Decision which relate to Rule 78, including paragraphs [268] – [295], Federated Farmers would withdraw its appeal to the High Court on the Sixth Interim Decision.

**DATED** 2 May 2023



---

**B S Carruthers / M T N Campbell**

Counsel for Federated Farmers Southland Incorporated

---

<sup>1</sup> *Aratiatia Livestock Limited v Southland Regional Council* [2023] NZEnvC 51.

<sup>2</sup> CIV-2023-409-000144.