

**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)  
ARATIATIA LIVESTOCK LIMITED  
(ENV-2018-CHC-29)  
WILKINS FARMING CO  
(ENV-2018-CHC-30)

---

**MEMORANDUM OF COUNSEL FOR SOUTHLAND FISH & GAME  
COUNCIL AND THE ROYAL FOREST & BIRD PROTECTION SOCIETY  
OF NEW ZEALAND INCORPORATED**

**27 February 2023**

---

---

Counsel: Sally Gepp  
Barrister  
Level 1, 189 Hardy Street  
Nelson 7010  
[sally@sallygepp.co.nz](mailto:sally@sallygepp.co.nz)  
021 558 241

GORE DISTRICT COUNCIL,  
SOUTHLAND DISTRICT COUNCIL &  
INVERCARGILL DISTRICT 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 & 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 & BIRD  
PROTECTION SOCIETY OF NEW  
ZEALAND  
(ENV-2018-CHC-50)

**Appellants**

AND

SOUTHLAND REGIONAL COUNCIL

**Respondent**

**MAY IT PLEASE THE COURT**

1. Counsel for the Royal Forest & Bird Protection Society of New Zealand Incorporated (“**Forest & Bird**”) and Southland Fish & Game Council (“**Fish & Game**”) files this memorandum in response to Southland Regional Council’s (“**SRC**”) application to for a partial stay of proceedings dated 22 February 2023.
2. In its response to the Table compiled by SRC and provided under cover of SRC’s Memorandum of Counsel dated 9 February 2023, and at the judicial conference on 14 February 2023, counsel indicated that Fish & Game’s and Forest & Bird’s position was that the Environment Court’s consideration of all of the pSWLP provisions should continue despite the High Court appeals.
3. However, Forest & Bird and Fish & Game do not now oppose SRC’s stay application, on the bases that:
  - a. The application relates only to Rule 24.
  - b. All parties to the High Court appeals have agreed to support (or not oppose) an application by Forest & Bird and Fish & Game for a priority High Court fixture, to be lodged this week.



.....

Sally Gepp  
Counsel for Southland Fish & Game Council  
and the Royal Forest & Bird Protection Society of New Zealand Incorporated

Date: 27 February 2023