

**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

(Continued next page)

**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL
REGARDING AN AMENDMENT TO THE TOPIC A TABLE OF ISSUES AND
PARTIES' INTERESTS
23 May 2019**

Judicial Officer: Judge Borthwick

Respondent's Solicitor
PO Box 4341 CHRISTCHURCH 8140
DX WX11179
Tel +64 3 379 7622
Fax +64 379 2467

Solicitor: P A C Maw
(philip.maw@wynnwilliams.co.nz)

WYNNWILLIAMS

(ENV-2018-CHC-30)

**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 AND GAME COUNCIL
(ENV-2018-CHC-37)

MERIDIAN ENERGY LIMITED Act 1991
(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 of Counsel is filed on behalf of the Southland Regional Council (**Council**) in respect of the appeals against the Council's decision on the proposed Southland Water and Land Plan.
- 2 On Wednesday 22 May 2019, Counsel for the Council filed a Memorandum of Counsel enclosing a final version of the Topic A Table of issues and parties' interests.¹
- 3 Counsel has subsequently noticed that Transpower New Zealand Limited (**Transpower**) were inadvertently still listed as an interested party to the following provisions:
 - (a) Objective 9B
 - (b) Objective 13
 - (c) Objective 13A
 - (d) Objective 13B
- 4 Counsel notes that Transpower has withdrawn its interest in Topic A.²
- 5 Accordingly, Counsel has amended the Topic A Table that was filed yesterday to remove Transpower as an interested party to Objectives 9B, 13, 13A, and 13B. The updated Table is attached as **Appendix A**.
- 6 Counsel apologises for any inconvenience this may have caused.

DATED this 23rd day of May 2019



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P A C Maw / K J Wyss
Counsel for the Southland Regional Council

¹ Memorandum of Counsel for Southland Regional Council dated 22 May 2019.
² Memorandum of Counsel for Transpower dated 8 March 2019 at [3].

Appendix A – Topic A: Horizontal Consideration of pSWLP’s issues, objectives and specified policies

Topic	Relevant Provisions	Appellant/s	Section 274 parties
A1 Issues (including state of the environment matters) and Physiographic Zones (pp19-22)	“Issues” (including state of the environment matters) at pages 15-18	Southland Fish & Game Council (Fish & Game) ¹ Waihopai Rūnaka, Hokonui Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Oraka Aparima, and Te Rūnanga o Ngāi Tahu (Ngā Rūnanga) ²	Fonterra Co-Operative Group Ltd (Fonterra) Gore District Council, Southland District Council and Invercargill City Council (Territorial Authorities) Federated Farmers of New Zealand – Southland Province (Federated Farmers) Dairy NZ Ltd Fish & Game Alliance Group Ltd Meridian Energy Ltd
	“Physiographic Zones” at pages 19-22)	Ngā Rūnanga ³ Fish & Game ⁴	Dairy NZ Ltd Fonterra Dairy Holdings Ltd Horticulture New Zealand Meridian Energy Ltd Federated Farmers Royal Forest & Bird Protection Society of New Zealand Inc (Forest & Bird)
A2 Objectives	Objective 2	Fish & Game	Forest & Bird

¹ In relation to its appeal point on the pSWLP’s lack of response to scientific evidence that confirms water quality is degraded.

² In relation to its appeal point seeking to maintain and improve water quality as at 2010.

³ In relation to its appeal point seeking to retain the physiographic zones in the Objectives and Policies and reinstate the physiographic zones in the rules relating to diffuse discharges from agriculture and their effect on water quality.

⁴ In relation to its appeal point on the physiographic zones, in that the pSWLP does not include any method to apply or implement the physiographic approach to managing land use activities which affect water quality.

		Ngā Rūnanga	Fonterra Ballance Agri-Nutrients Limited (Ballance) Horticulture New Zealand Aratiatia Livestock Ltd Federated Farmers Fish & Game
	Objective 6	Fish & Game Ngā Rūnanga Forest & Bird	Forest & Bird Fonterra Ballance DairyNZ Ltd Horticulture NZ Aratiatia Livestock Ltd Alliance Group Ltd Territorial Authorities Meridian Energy Ltd Director-General of Conservation Federated Farmers Fish & Game
	Objective 7	Fish & Game	Forest & Bird Fonterra Ballance Horticulture NZ DairyNZ Ltd

			Alliance Group Ltd Ravensdown Ltd Territorial Authorities Meridian Energy Ltd Director-General of Conservation Ngā Rūnanga
Objective 9	Fish & Game Heritage New Zealand Pouhere Taonga Forest & Bird Ngā Rūnanga	Forest & Bird Fonterra DairyNZ Ltd Horticulture NZ Aratiatia Livestock Ltd Territorial Authorities Meridian Energy Ltd Director-General of Conservation Federated Farmers Fish & Game Ngā Rūnanga	
Objective 9A	Ngā Rūnanga Forest & Bird	Horticulture NZ DairyNZ Ltd Territorial Authorities Meridian Energy Ltd Director-General of Conservation Federated Farmers	

			Fish & Game
Objective 9B	Federated Farmers Ngā Rūnanga Forest & Bird		Forest & Bird Horticulture NZ DairyNZ Ltd Territorial Authorities Meridian Energy Ltd Invercargill Airport Ltd Director-General of Conservation Federated Farmers Invercargill City Council – Water Manager
Objective 10	Aratiatia Livestock Ltd Meridian Energy Ltd Ngā Rūnanga		Aratiatia Livestock Ltd Cockburn, G & R Kempthorne, R Waiau Rivercare Group Meridian Energy Ltd Director-General of Conservation Federated Farmers English, H Fish & Game Ngā Rūnanga
Objective 13	Fish & Game Alliance Group Ltd		Forest & Bird Fonterra Ballance

		<p>Heritage New Zealand Pouhere Taonga</p> <p>Ngā Rūnanga</p> <p>Forest & Bird</p>	<p>Dairy Holdings Ltd</p> <p>Horticulture NZ</p> <p>DairyNZ Ltd</p> <p>Aratiatia Livestock Ltd</p> <p>Alliance Group Ltd</p> <p>Ravensdown Ltd</p> <p>Territorial Authorities</p> <p>Meridian Energy Ltd</p> <p>Director-General of Conservation</p> <p>Fish & Game</p> <p>Ngā Rūnanga</p> <p>Federated Farmers</p>
	<p>Objective 13A</p>	<p>Fish & Game</p> <p>Alliance Group Ltd</p> <p>Forest & Bird</p> <p>Ngā Rūnanga</p>	<p>Forest & Bird</p> <p>Fonterra</p> <p>Ballance</p> <p>Dairy Holdings Ltd</p> <p>DairyNZ Ltd</p> <p>Horticulture NZ</p> <p>Alliance Group Ltd</p> <p>Ravensdown Ltd</p> <p>Territorial Authorities</p> <p>Director-General of Conservation</p> <p>Federated Farmers</p>

			Fish & Game Meridian
	Objective 13B	Alliance Group Ltd Fish & Game Forest & Bird Ngā Rūnanga	Forest & Bird Fonterra Ballance Dairy Holdings Ltd DairyNZ Ltd Horticulture NZ Alliance Group Ltd Ravensdown Ltd Territorial Authorities Director-General of Conservation Federated Farmers Fish & Game Meridian
	Objective 14	Forest & Bird	Director-General of Conservation Federated Farmers Ngā Rūnanga Fish & Game
	Objective 17	Forest & Bird	Territorial Authorities Meridian Energy Ltd DairyNZ Ltd Director-General of Conservation

			Federated Farmers Fish & Game
	Objective 18	Alliance Group Ltd Fish & Game Ngā Rūnanga	Forest & Bird Fonterra DairyNZ Ltd Ballance Horticulture NZ Aratiatia Livestock Ltd Alliance Group Ltd Ravensdown Ltd Territorial Authorities Director-General of Conservation Federated Farmers Fish & Game
	New Objective X	Meridian Energy Ltd	Aratiatia Livestock Ltd Federated Farmers Forest & Bird Fish & Game Ngā Rūnanga Waiau Rivercare Group
	Policy 1	Federated Farmers ⁵	Ngā Rūnanga

⁵ Mr Darry Sycamore has advised (in his Statement of Evidence dated 15 February 2019 at [32]) that Federated Farmers will not pursue this appeal point further. However, this appeal point has not been formally withdrawn by Federated Farmers.

A3 Ngāi Tahu Policies	Policy 3	Fish & Game	Forest & Bird Federated Farmers Ngā Rūnanga
A4 Physiographic Policies	Policy 4	Alliance Group Ltd Director-General of Conservation Federated Farmers Fish & Game Forest & Bird Ngā Rūnanga Wilkins Farming Co	Forest & Bird Fonterra Ballance Dairy Holdings Ltd DairyNZ Ltd Aratiatia Livestock Ltd Ravensdown Ltd Director-General of Conservation Federated Farmers Fish & Game Ngā Rūnanga
	Policy 5	Alliance Group Ltd Federated Farmers Fish & Game Forest & Bird Ngā Rūnanga Wilkins Farming Co	Forest & Bird Fonterra Ballance Dairy Holdings Ltd DairyNZ Ltd Aratiatia Livestock Ltd Ravensdown Ltd Director-General of Conservation Federated Farmers

			Fish & Game Ngā Rūnanga
	Policy 6	Alliance Group Ltd Fish & Game Forest & Bird Wilkins Farming Co	Forest & Bird Fonterra Ballance Horticulture NZ DairyNZ Ltd Dairy Holdings Ltd Aratiatia Livestock Ltd Ravensdown Ltd Director-General of Conservation Federated Farmers Ngā Rūnanga
	Policy 7	Forest & Bird	Dairy Holdings Ltd Aratiatia Livestock Ltd DairyNZ Ltd Federated Farmers Ravensdown Ballance
	Policy 8	Forest & Bird	Aratiatia Livestock Ltd Dairy Holdings Ltd DairyNZ Ltd Director-General of Conservation

			Federated Farmers Ravensdown Ballance
	Policy 9	Alliance Group Ltd Federated Farmers Fish & Game Forest & Bird Ngā Rūnanga Wilkins Farming Co	Forest & Bird Fonterra Ballance Dairy Holdings Ltd DairyNZ Ltd Aratiatia Livestock Ltd Ravensdown Ltd Director-General of Conservation Federated Farmers Fish & Game Ngā Rūnanga
	Policy 10	Alliance Group Ltd Federated Farmers Fish & Game Forest & Bird Ngā Rūnanga Wilkins Farming Co	Forest & Bird Fonterra Ballance Horticulture NZ Dairy Holdings Ltd DairyNZ Ltd Aratiatia Livestock Ltd Ravensdown Ltd Director-General of Conservation

			Federated Farmers Fish & Game Chartres, P Ngā Rūnanga
	Policy 11	Alliance Group Ltd Federated Farmers Fish & Game Forest & Bird Ngā Rūnanga Wilkins Farming Co	Forest & Bird Fonterra Ballance Dairy Holdings Ltd DairyNZ Ltd Aratiatia Livestock Ltd Ravensdown Ltd Director-General of Conservation Federated Farmers Fish & Game Chartres, P Ngā Rūnanga
	Policy 12	Alliance Group Ltd Federated Farmers Fish & Game Forest & Bird Ngā Rūnanga Wilkins Farming Co	Forest & Bird Fonterra Ballance Dairy Holdings Ltd DairyNZ Ltd Aratiatia Livestock Ltd Ravensdown Ltd

			Director-General of Conservation Federated Farmers Fish & Game Chartres, P Ngā Rūnanga
A5 FMU Policies	Policy 45	Fish & Game	Forest & Bird Fonterra Ballance Horticulture NZ DairyNZ Ltd Aratiatia Livestock Ltd Alliance Group Ltd Ravensdown Ltd Meridian Energy Ltd Director-General of Conservation Ngā Runanga
	Policy 46	Forest & Bird	Director-General of Conservation Federated Farmers Fish & Game Ngā Rūnanga
	Policy 47	Fish & Game	Forest & Bird Fonterra Horticulture NZ

			DairyNZ Ltd Meridian Energy Ltd Director-General of Conservation Ravensdown Ltd Ngā Runanga
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