

**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)

(Continued next page)

**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL
REGARDING MOVING ISSUES FROM TOPIC B7 TO B5
23 February 2021**

Judicial Officer: Judge Borthwick

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WILKINS FARMING CO
(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
(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 mediation of the appeals against the Council's decision on the proposed Southland Water and Land Plan.
- 2 This Memorandum relates to the allocation of issues to the different mediation topics.
- 3 In its Memorandum dated 25 September 2020, the Council provided a table outlining the issues under appeal and split those issues into seven topics. A copy of this table is attached as **Appendix A**.
- 4 The Council has subsequently identified an issue that is currently located in Topic B7 which it considers would be better placed in Topic B5. That issue is:

In light of the Court's provisional approval for the inclusion of the physiographic zone maps in the plan, what is the appropriate method of inclusion and what changes, if any, are required to the detail of the maps?
- 5 For efficiency, and to ensure that issues relating to the physiographic zones are considered in an integrated way, the Council considers that this issue would be more appropriately dealt with alongside the other issue relating to physiographic zones, which is located in the 'Rule 20 (other)' sub-topic of Topic B5.
- 6 Counsel has conferred with Ngā Rūnanga¹ (as the appellant) who confirmed that they are comfortable with the relocation of this issue. Counsel then sent an email to all other parties to seek their views. Responses were received from the following parties, none of which opposed the proposed movement of the issue:
 - (a) Heritage New Zealand Pouhere Taonga;
 - (b) Aratiatia Livestock Limited;
 - (c) Ravensdown Limited;

¹ Comprising Te Rūnanga o Ngāi Tahu, Hokonui Rūnaka, Waihopai Rūnaka, Te Rūnanga o Awarua and Te Rūnanga o Oraka Aparima.

- (d) Royal Forest and Bird Protection Society of New Zealand Incorporated;
- (e) Southland Fish and Game Council;
- (f) Federated Farmers of New Zealand;
- (g) Wilkins Farming Company;
- (h) Director-General of Conservation;
- (i) Meridian Energy Limited;
- (j) Fonterra Co-operative Group Limited; and
- (k) DairyNZ Limited.

7 No responses were received from any other parties.

8 Accordingly, Counsel for the Council seeks that the issue outlined in paragraph 4 above be relocated to the 'Rule 20 (other)' sub-topic of Topic B5 (Farming).

9 In addition, Counsel notes that a Joint Memorandum was filed by Counsel for DairyNZ Limited, Fonterra Co-operative Group Limited, and Meridian Energy Limited on 9 December 2020 seeking to relocated two issues to different mediation topics. It would assist the Council in its preparations for mediation if the Court could also please consider the directions sought in that Joint Memorandum.

DATED this 23rd day of February 2021



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P A C Maw / A M Langford
Counsel for the Southland Regional Council