

**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)

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**MEMORANDUM OF COUSEL FOR SOUTHLAND REGIONAL COUNCIL
REPORTING PARTIES' POSITIONS ON HEARING OF NOTICE OF MOTION
5 June 2020**

Judicial Officer: Judge Borthwick

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WYNNWILLIAMS

**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 the appeals against the Council's decision on the proposed Southland Water and Land Plan (**pSWLP**).
- 2 In its Minute dated 27 May 2020, the Court directed the Council to, having conferred with the other parties, propose directions for the setting down of the notice of motion for hearing, recording the parties' position on whether Ngā Rūnanga's evidence may be provisionally admitted and secondly, for the application to be heard at the same time as the related matters already set down for a hearing commencing 15 June 2020.
- 3 Counsel for the Council has conferred with the parties as to their position on the matters set out above.
- 4 Counsel also asked the parties to advise their position on whether all evidence relating to Objectives 1 and 3 (and consequential amendments to other Objectives) may be provisionally admitted, noting that the Notice of Motion filed on 22 May 2020 seeks a ruling that "evidence relating to Objectives 1 and 3 (and consequential amendment to other Objectives) of the proposed Southland Land and Water Regional Plan are beyond the scope of the Ngā Rūnanga appeal". Counsel consider that the Notice of Motion seeks all evidence be ruled as outside of scope, rather than only the evidence of Ms Davidson on behalf of Ngā Rūnanga.

Parties' responses

- 5 Counsel for the Council advises that all parties with an interest in the Notice of Motion proceedings (being the applicant parties¹ and all those parties that filed a Notice of Wish to be Heard) agree that:
 - (a) all evidence on Objectives 1 and 3 (and consequential amendments to other Objectives), including Ngā Rūnanga's evidence, may be provisionally admitted; and

¹ Comprising Ballance Agri-Nutrients Limited, Federated Farmers of New Zealand (Southland), Horticulture New Zealand, and Ravensdown Limited.

- (b) the Notice of Motion application be heard at the same time as the related matters already set down for hearing commencing 15 June 2020.

Applicant parties' suggested sequence for the hearing

- 6 The applicant parties have filed a Joint Memorandum with the Court this morning setting out a proposed sequence for the hearing commencing 15 June 2020.
- 7 Counsel anticipates that parties will have an opportunity to respond to this at the Pre-Hearing Conference this afternoon.

DATED this 5th day of June 2020



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