

**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 THE MINUTE DATED 21 MARCH 2022
25 March 2022**

Judicial Officer: Judge Borthwick

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

WYNNWILLIAMS

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

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 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 This Memorandum addresses the Courts directions in the Court's 21 March Minute.

Consent orders or provisional approval

- 3 By Minute dated 21 March 2022, the Court asked whether parties wish the Court to indicate its approval for the proposed wording or issue consent orders.¹ The Council was directed to confer with the parties and report to the Court today on whether consent orders are to issue, or whether the parties' preference is for the Court's approval to be recorded [by Minute] and orders made in its final decision having heard the disputed provisions case.²
- 4 Counsel notes that these directions appear to have been superseded by the directions made at paragraph [15] of the Minute dated 25 March 2022. Accordingly, Counsel will report to the Court, as directed, by Friday 1 April 2022.

Attachment A of Minute dated 21 March 2022

- 5 In the Minute dated 21 March 2022, the Court advised that it would approve many of the amendments set out in the consent orders. The provisions which it would approve is set out in Attachment A to the Minute.³
- 6 The Court noted its understanding that, unless indicated by an asterisk in Attachment A, the amendments in the consent orders resolve all appeals on the relevant provisions.⁴

1 Minute dated 21 March 2022 at [2].

2 Minute dated 21 March 2022 at [4].

3 Minute dated 21 March 2022 at [1].

4 Minute dated 21 March 2022 at [1] of Attachment A.

7 Parties were directed to advise if the Court's understanding as to the resolution of all appeals on a particular provision is incorrect.⁵

8 Counsel notes one correction to be made to Attachment A, and one provision which it appears has been inadvertently omitted.

Cultivation

9 Counsel for Federated Farmers wishes us to record that there should be an asterisk on the part of [2](hh) that references the definition of "cultivation". Federated Farmers has previously confirmed that it has no issue with the agreed changes to the definition insofar as it relates to the forestry appeals, however it has reserved its position in relation to the definition as it remains at issue depending on what happens with Rule 25 (which is to be dealt with at the disputed hearing).

Rule 67

10 The only change proposed to Rule 67 is to move the advice note relating to archaeological sites to the beginning of the rule cascade. This change was also sought in a number of other rules, all of which have been included in Attachment A.

11 Counsel does not see a reason for Rule 67 to be treated differently to the balance of the rules appealed by Heritage New Zealand Pouhere Taonga and so respectfully seeks clarification as to whether the Court would also approve Rule 67 as set out in the consent order for Topic B7.

DATED this 25th day of March 2022



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

⁵ Minute dated 21 March 2022 at [1] of Attachment A.