

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14 of the First Schedule of the Act

BETWEEN **SOUTHWOOD EXPORT LIMITED, KODANSHA TREE FARM NEW ZEALAND LIMITED AND SOUTHLAND PLANTATION FOREST COMPANY OF NEW ZEALAND LIMITED (ENV-2018-CHC-046)**

Appellants

AND **SOUTHLAND REGIONAL COUNCIL**

Respondent

AND **CAMPBELL'S BLOCK
S 274 PARTIES**
(as continued on next page)

MEMORANDUM OF COUNSEL FOR APPELLANT

Dated: 1 November 2021

**AWS LEGAL
SOLICITORS
INVERCARGILL**

Solicitor: Kristy Rusher
(kristy.rusher@awslegal.com)

151 Spey Street
PO Box 1207
DX YA90008, INVERCARGILL
Tel 03 211 1370
Fax 03 214 4122

AND PETER CHARTRES

AND DIRECTOR-GENERAL OF CONSERVATION

AND FEDERATED FARMS OF NEW ZEALAND

AND ROBERT GRANT

AND RAYONIER NEW ZEALAND LIMITED

**AND ROYAL FOREST AND BIRD PROTECTION SOCIETY
OF NEW ZEALAND INCORPORATED**

AND STONEY CREEK STATION

AND THE TERRACES LIMITED

MAY IT PLEASE THE COURT

Background

- 1 Southwood Export Limited and Others has filed an appeal on two provisions of the Proposed Southland Water and Land Plan.
- 2 Discussions have been continuing between the parties as to whether it is possible to resolve these appeal points without a hearing being necessary.
- 3 This memorandum responds to the Court's directions to all parties to identify and exchange a memorandum identifying the relief being sought.
- 4 The relief sought is the same as described in the Notice of Appeal, and advice as to the tracked change relief was provided to the Regional Council on the 29th of October 2021.

Relief Sought

- 5 Southwood Export Limited and Others seeks the following relief:

Rule 25

Amend Rule 25(a)(iv) by adding the underlined text:

"Cultivation (excluding aerial herbicide spraying for forestry purposes) does not occur on land with a slope greater than 20 degrees."

Definition – Cultivation

Amend the definition of "Cultivation" by adding the underlined text and deleting the text shown as struck through:

"Cultivation

Preparing land for growing pasture or a crop by mechanical tillage (excluding stick raking), direct drilling, ~~herbicide spraying, or,~~ herbicide spraying followed by over-sowing for pasture or forage crops ('colloquially referred to as spray and pray'), but excluding any spraying undertaken solely for the control of pest plant species."

DATED at Invercargill this 1st day of November 2021



K L Rusher
Counsel for Southwood Export Limited