

BEFORE THE SOUTHLAND REGIONAL COUNCIL

Under the Resource Management Act 1991

In the matter of applications by Capil Grove Limited for resource consents under section 88 of the Act to discharge agricultural effluent to land from up to 840 cows, to take 85,800L/day of groundwater and to use land for two winter barns, a new agricultural effluent storage facility, and to establish a new dairy farm at 444 Springhills-Tussock Creek Road

MEMORANDUM OF COUNSEL FOR THE APPLICANT

29 June 2023

BUDDLE FINDLAY

Barristers and Solicitors
Wellington

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MAY IT PLEASE THE COUNCIL

1. This memorandum is filed on behalf of Capil Grove Limited (**Applicant**).
2. This memorandum is filed in response to Minute 1 from the Hearing Panel, dated 28 June 2023.

Supplementary evidence

3. The Applicant acknowledges the Hearing Panel's decision not to accept the Supplementary Evidence of Mr Hamish Lowe, dated 27 June 2023.
4. The intention of Mr Lowe's supplementary evidence was to:
 - (a) aid in refining mitigation measures in response to the evidence filed by Ms Stevie-Rae Blair for Waihōpai Rūnaka;
 - (b) provide an update on discussions to narrow matters in contention in regard to OverseerFM modelling; and
 - (c) provide an updated set of proposed conditions.
5. Those matters were all intended to be in aid of narrowing the issues in contention and the Applicant sought to provide those prior to the hearing as a courtesy.
6. The only topic that is strictly evidentiary in nature relates to the details of mitigation refinement, which is very commonly a matter remaining to be heard at a hearing.
7. The Applicant considers these matters can be addressed at the hearing in the usual manner (and in a more concise form than in the supplementary evidence) without any need for an adjournment.

Pond report

8. The pond review from Geosolve referred to in Minute 1 relates to consent application APP-20222544. The Applicant was informed by Ms Jade McRae for the Southland Regional Council in correspondence on 20 June 2023 that that application would be heard jointly with this application unless CPEng certification of the pond design was received prior to the hearing (as the

CPEng certification changes the activity status of that application to controlled). In accordance with correspondence from Ms McRae, the Applicant understands that now that CPEng certification has been provided, that application will no longer be before the Hearing Panel.

DATED this 29th day of June 2023



Mark Mulholland
Counsel for Capil Grove Limited