

**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 COUNSEL FOR SOUTHLAND REGIONAL COUNCIL
7 September 2018**

Judicial Officer: Judge Hassan and Judge Borthwick

**WYNN WILLIAMS
LAWYERS
CHRISTCHURCH**

Solicitor: P A C Maw
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**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, SOUTHLAND
PLANTATION FOREST COMPANY OF NZ,
SOUTHWOOD EXPORT LIMITED**
(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 Counsel has received the Memorandum of Counsel for Rayonier New Zealand Limited (**Rayonier**) dated 28 August 2018. Counsel for Rayonier requests that the Court make a decision and/or provides guidance (or give directions about how this preliminary issue should be dealt with) in relation to:
 - (a) Whether section 32(4) of the Resource Management Act 1991 is engaged in the circumstances of the pSWLP appeals; and
 - (b) Whether the Initial Planning Statement should include an examination of whether rules in the pSWLP that are more restrictive than those in the NES-PF are justified in the circumstances of the Southland Region.
- 3 Given the content and substance of the Memorandum, Counsel submits that it would be appropriate for the Respondent, and other parties (insofar as their appeals and/or section 274 notices address these matters), to be given an opportunity to respond, before the Court makes any decision and/or directions.

Directions

- 4 Accordingly, Counsel respectfully requests that the following timetable be directed:
 - (a) Submissions for any party wishing to respond to the issues raised in the Memorandum of Counsel on behalf of Rayonier dated 28 August 2018 must be lodged and served by 19 September 2018.
 - (b) Any submissions in reply for Rayonier must be lodged and served by 24 September 2018.

- (c) Leave is reserved for any party to apply for further (or other) directions.

DATED this 7th day of September 2018



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P A C Maw / K J Wyss
Counsel for the Southland Regional Council