

**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 FEDERATED FARMERS OF NEW ZEALAND
(SOUTHLAND PROVINCE)
(ENV-2018-CHC-40)
Appellant
AND SOUTHLAND REGIONAL COUNCIL
Respondent

**MEMORANDUM OF COUNSEL FOR FEDERATED FARMERS
26 SEPTEMBER 2018**

Judicial Officers: Judge Hassan and Judge Borthwick

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May it please the Court

1. This Memorandum is filed in response to the memorandum filed by the Respondent (the **Council Memorandum**) dated 19 September 2018, as provided for in the Court's directions of 12 September 2018.

Omissions

Topic A1 provisions – physiographic zones (pages 19-22)

2. At paragraph 8 of the Council Memorandum, counsel notes:
 - a. There are no appeals that appear to directly challenge the particular content of the issues and/or physiographic zones of the pSWLP itself.
 - b. Some parties have challenged these matters as part of their appeal on particular provisions of the pSWLP.
3. As a result of the above, the Respondent has included a separate topic for this issue - A1 Physiographic zones (at pages 19-22) in Appendix A to the Council Memorandum.
4. The only appeal listed under this topic is that of Ngai Tahu. Federated Farmers is not currently listed as a s274 party to this topic, but lodged a s274 notice on Ngai Tahu's appeal in relation to the physiographic zone policies.
5. It is unclear which provisions in Ngai Tahu's appeal the Respondent is referring to in support of listing a separate topic for this issue. It is also unclear whether a separate topic is justified for this issue, for reasons set out in the Memorandum of Meridian Energy Limited, paragraph 4, filed 26 September 2018.
6. Subject to clarification of which parts of Ngai Tahu's appeal form the basis for this separate topic, and subject to further direction of the Court, Federated Farmers considers it should be listed a party to this topic.

Topic A2 - Objective 13

7. In Appendix A attached to the Council Memorandum, Federated Farmers has been left off the list of s274 parties for Topic A2, Objective 13 in error. Federated Farmers joined the appeals of Royal Forest and Bird Protection Society, Southland Fish and Game and Te Runanga o Ngai Tahu on this objective.



Clare Lenihan

Counsel for the Appellants
26 September 2018