

**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**  
**16 July 2020**

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Judicial Officer: Judge Borthwick

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Respondent's Solicitor  
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**WYNNWILLIAMS**

**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, 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 responds to the Court's directions as set out in paragraph [27(b)] of its Minute dated 13 July 2020.
- 3 Counsel for the Council, having conferred with the parties,<sup>1</sup> confirm that:
  - (a) Christchurch is the preferred location for the expert conferencing set down for 6 and 7 August 2020.
  - (b) In answer to the questions posed at paragraphs [6]-[7] and [17]-[18] of the Minute, no party opposes the Court making a decision on those matters on the papers already filed. The parties seek that the Court release a further interim decision determining these matters.<sup>2</sup>
- 4 Counsel for the Council also sought an indication from the parties as to the availability of their witnesses on 6 and 7 August 2020. Although individual counsel will still be required to confirm this with the Registry, as directed at paragraph [27(c)] of the Minute, Counsel advises that all parties witnesses, with the exception of Ms Whyte for Meridian, are available on 6 and 7 August.
- 5 Counsel for Meridian has advised that Ms Whyte will be on leave on 6 and 7 August and not available to attend in person. However, Meridian's direct interest in the matters to be conferenced is limited, most likely, to the wording of Objective 18. Ms Whyte has indicated that she will endeavour to make herself available to conference on that matter by


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<sup>1</sup> Counsel received responses to its request for the parties' positions from the following parties: Gore District Council, Southland District Council, and Invercargill City Council; the Director-General of Conservation; Meridian Energy Limited; Ravensdown Limited; Ballance Agri-Nutrients Limited; DairyNZ Limited; Fonterra Co-operative Group Limited; Federated Farmers of New Zealand; Waihopai Rūnaka, Hokonui Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Oraka Aparima, and Te Rūnanga o Ngāi Tahu; Royal Forest and Bird Protection Society of New Zealand Incorporated; and Southland Fish and Game Council.

<sup>2</sup> Being whether any introductory words are necessary to introduce the Interpretation Statement; the inclusion and wording of Objective 9/9A sub-clause (b); and whether the physiographic zone policies are to be risk-based or effects-based.

Zoom (or similar means) if that can be arranged, and if the timing of the discussion on Objective 18 can be arranged in advance.

**DATED** this 16<sup>th</sup> day of July 2020

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