

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY
I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-2018-CHC-000040

UNDER

the Resource Management Act 1991

IN THE MATTER OF

appeals under clause 14 of Schedule 1
of the Resource Management Act 1991
in relation to the Proposed Southland
Water and Land Plan

BETWEEN

**FEDERATED FARMERS OF NEW
ZEALAND (SOUTHLAND)**

Appellant

AND

SOUTHLAND REGIONAL COUNCIL

Respondent

**MEMORANDUM OF COUNSEL ON BEHALF OF FEDERATED
FARMERS IN RESPECT OF TRANCHE 3**

22 July 2022



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Solicitor: Mike Campbell

MAY IT PLEASE THE COURT:

1. Counsel refers to the Tranche 3 appeal points against the proposed Southland Water and Land Plan (**pSWLP**) which concerns Topic B6 (infrastructure and the Waiau/Manapōuri Power Scheme). The outstanding provisions for this tranche are Policy 26, Rule 52A and Appendix E. A hearing has been set down for these matters for the week commencing 17 October 2022.
2. The purpose of this memorandum is to notify the Court and the parties of Federated Farmers' decision not to file evidence and not to participate in the upcoming hearing in respect of Tranche 3. Federated Farmers also seeks leave to be excused from the hearing commencing on 17 October 2022.
3. Federated Farmers is:
 - (a) an appellant in respect of Policy 26 and Rule 52A;
 - (b) a s 274 party to the appeals by Aratiatia Livestock Limited (**Aratiatia**) (in support) and Meridian Energy Limited (**Meridian**) (in opposition) on Policy 26;
 - (c) a s 274 party to the appeals by Aratiatia (in support), Meridian (in opposition) and the Royal Forest and Bird Protection Society of New Zealand Inc (in opposition) on Rule 52A; and
 - (d) a s 274 party to the appeals by the Alliance Group Limited (in support) and Aratiatia (in support) on Appendix E.
4. In respect of the pSWLP, Federated Farmers has participated extensively in mediation and alternative dispute resolution processes, and in the Environment Court hearings to date.
5. As a result of resource constraints (Federated Farmers is a "not for profit" organisation that relies on funding from its members) and the significant costs incurred to date, Federated Farmers has had to evaluate its participation in this topic.

6. Federated Farmers understands that Aratiatia will be advancing a case that will address the merits of Federated Farmers' appeal, including the impacts of the Manapōuri Hydro-electric Generation Scheme on farming and the need for more stringent planning provisions in respect of the Scheme. Federated Farmers supports this position.
7. In circumstances where it has significant resource constraints, and another party will be presenting evidence and legal submissions in support of the concerns raised by affected farmers, Federated Farmers has made the very difficult decision not to participate in the upcoming hearing for Tranche 3. Federated Farmers understands that by not participating in the hearing its interests will not be represented.
8. The provisions to be determined in Tranche 3 sit in the context of a wider mosaic of appeal points, appeal notices and s 274 party notices. Rather than withdrawing its appeal points (and inadvertently creating other issues), Federated Farmers wishes to retain its interest as an appellant and a s 274 party. In doing so, Federated Farmers agrees to abide by the decision of the Court in respect of Tranche 3.
9. Accordingly, Federated Farmers seeks leave to be excused from the hearing on Tranche 3 set down for the week commencing 17 October 2022.
10. No evidence has been filed by Federated Farmers in respect of this topic that would need to be withdrawn. Federated Farmers does not consider that any issue of costs would arise from its decision not to participate in the hearing. However, if any such issues were

raised then Federated Farmers would seek to be heard in that respect.

A handwritten signature in blue ink that reads "McCampbell".

Mike Campbell
Counsel for Federated Farmers

DATE: 22 July 2022