

UNDER the Resource Management Act 1991 ("RMA")

IN THE MATTER of appeals under Clause 14 of the First Schedule to the RMA in relation to the decision on the proposed Southland Water and Land Plan

BETWEEN **FEDERATED FARMERS OF NEW ZEALAND INCORPORATED**
Appellant / s274 Party

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

**MEMORANDUM OF COUNSEL FOR FEDERATED FARMERS
IN ADVANCE OF JUDICIAL CONFERENCE**

13 February 2023

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MAY IT PLEASE THE COURT

1. The Southland Regional Council filed a reporting memorandum with the Court on 9 February 2023. In its memorandum the Council advised the parties of its view on the questions and/or directions of the Court at paragraphs 231, 279, 313, 314, 375, 397-399 and 455 of the Fifth Interim Decision, advised the Court that the parties required time to fully consider and respond to the Council's position and requested a direction that the parties respond by 17 February 2023.
2. The Court issued a Minute late on 10 February 2023. Paragraph [3] confirmed that with one exception the directions sought would be made. However, rather than allowing parties the required time to fully consider and respond to the Council's position and providing until at least 17 February 2023 to do so, paragraph [15] directed the parties to confirm positions by 4pm today. Parties were also directed to confirm whether each holds the view this Court can advance the rule framework prior to the High Court's decision and, if not, file memorandum giving reasons within the same time period.
3. Unfortunately, I will be unable to obtain instructions in the time available.
4. I confirm that I will be able to respond to the Council's position and in the event of any disagreement propose directions to resolve the same by 17 February 2023. Provided I have electricity, I am also able to attend the judicial conference via AVL at 9.30am tomorrow.

DATED 13 February 2023



B S Carruthers KC
Counsel for Federated Farmers