

**IN 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 LIMITED

(ENV-2018-CHC-27)

HORTICULTURE NEW ZEALAND

(ENV-2018-CHC-28)

ARATIATIA LIVESTOCK LIMITED

(ENV-2018-CHC-29)

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**MEMORANDUM OF COUNSEL FOR THE DAIRY INTERESTS IN
RESPONSE TO THE REGIONAL COUNCIL'S APPLICATION TO
STAY PROCEEDINGS – RULE 24**

27 February 2023

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WILKINS FARMING CO

(ENV-2018-CHC-30)

**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)

CAMBELL'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 NGĀI TAHU, HOKONUI RUNAKA, WAIHOPAI
RUNAKA, TE RUNANGA O AWARUA & TE RUNANGA O
ORAKA APARIMA**

(ENV-2018-CHC-47)

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 joint Memorandum is filed on behalf of DairyNZ Limited and Fonterra Co-operative Group Limited (**the Dairy Interest parties**). It relates to the Southland Regional Council's application¹ to stay proceedings on Rule 24 of the proposed Southland Water and Land Plan pending the determination of appeals to the High Court against the Fifth Interim Decision².
- 2 In its record of pre-hearing conference³ the Court directed parties to file replies to any stay application by Monday 27 February 2023.
- 3 The Dairy Interest parties support the Council's application on the grounds set out therein.

Dated 27 February 2023



Katherine Forward

Solicitor for DairyNZ Limited and Fonterra Co-operative Group Limited.

¹ Application to stay part of proceedings pending determination of appeal in the High Court, 22 February 2023

² *Aratiatia Livestock Limited v Southland Regional Council* [2022] NZEnvC 265

³ Record of Pre-Hearing Conference, 15 February 2023