

**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)

(Continued next page)

**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL
REPORTING ON PARTIES' VIEWS ON CONSENT ORDERS OR DECISION
ON ALL OF PARTIES MATTERS, AVAILABILITY FOR 22 AUGUST
HEARING AND SUPPLEMENTARY EVIDENCE**

1 April 2022

Judicial Officer: Judge Borthwick

Respondent's Solicitor
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WYNNWILLIAMS

Solicitor: P A C Maw
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ARATIATIA LIVESTOCK LIMITED
(ENV-2018-CHC-29)

WILKINS FARMING CO
(ENV-2018-CHC-30)

**GORE DISTRICT COUNCIL, SOUTHLAND DISTRICT
COUNCIL & INVERCARGILL CITY 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.

Consent orders or provisional approval

- 2 By Minute dated 25 March 2022, the Court advised, subject to the parties' respecting the wording provisionally endorsed by the Court, the Court would defer making consent orders in respect of the provisions included in attachment A to the Court's minute dated 25 March 2022, pending the resolution of all related policies and rules.¹
- 3 The Council was directed to confer with the parties and report to the Court on whether consent orders are to issue, or whether the parties' preference is for the Court's approval to be recorded [by Minute] and orders made in its final decision having heard the disputed provisions case.²
- 4 Counsel has liaised with the parties and confirms that the parties' preference is for the Court to issue a Minute recording the wording it approves/would approve, with the reasoning for that approval to follow later.

Availability for proposed fixture date for Tranche 2 and 3 appeals

- 5 By Minute dated 21 March 2022, the Council was directed to confer with parties and report to the Court whether the parties were available for a firm fixture date for Tranche 2 and 3 appeals commencing week of 22 August 2022.³
- 6 All parties from whom responses were received⁴ have confirmed they are available for a fixture commencing week of 22 August 2022.
- 7 However, Lead Counsel for the Council has an existing commitment on 22 and 23 August. As National Managing Partner of Wynn Williams, Counsel has the responsibility of chairing Wynn Williams' annual

¹ Minute dated 25 March 2022 at [4].

² Minute dated 25 March 2022 at [15].

³ Minute dated 21 March 2022 at [6].

⁴ Responses were not received from Dairy Holdings Limited, Hamish English and the Territorial Authorities.

Partners' Conference. This Conference has been scheduled for the 22 and 23 August this year, and involves pre-existing travel and accommodation arrangements for 26 Partners. The Conference has already been rescheduled three times to take into account challenges associated with Covid, and the previous fixture dates for this matter. Counsel recognises that Court fixtures ultimately take priority. However, he would be most grateful if the hearing could accommodate this existing commitment and commence on 24 August 2022.

Supplementary evidence

- 8 By Minute dated 25 March 2022, the Court directed that parties intending to file supplementary evidence are to file a memorandum identifying the relevant witness(es) by discipline.⁵
- 9 The Council intends to file supplementary evidence from the following witnesses:
- (a) Mr McCallum-Clark (planning)
 - (b) Mr Hodgson (freshwater ecology).

DATED this 1st day of April 2022



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

⁵ Minute dated 25 March 2022, at [13](a).