

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

AT CHRISTCHURCH ENV – 2018 – CHC – 36

IN THE MATTER of the Resource Management Act 1991

AND

**IN THE MATTER of an appeal under clause 14(1) of the First Schedule of
the Act in relation to Decisions on the Proposed Southland
Water and Land Plan**

BETWEEN Director-General of Conservation

Appellant

And other Appellants listed on Page 2

AND Southland Regional Council

Respondent

Memorandum of Counsel for Director-General of Conservation

Dated 26 September 2018

Department of Conservation

Planning Shared Service, Policy and Regulatory Services Group

Department of Conservation

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Solicitor: P Williams

Appellants **Transpower New Zealand Limited** (ENV-2018-CHC-00026)
Fonterra Co-operative Group Limited (ENV-2018-CHC-00027)
Horticulture New Zealand (ENV-2018-CHC-00028)
Aratiatia Livestock Limited (ENV-2018-CHC-00029)
Wilkins Farming Co Limited (ENV-2018-CHC-00030)
Gore District Council and Others (ENV-2018-CHC-00031)
DairyNZ Limited (ENV-2018-CHC-00032)
H W Richardson Group Limited (ENV-2018-CHC-00033)
Beef + Lamb New Zealand (ENV-2018-CHC-00034 and ENV-2018-CHC-00035)
Southland Fish and Game Council (ENV-2018-CHC-00037)
Meridian Energy Limited (ENV-2018-CHC-00038)
Alliance Group Limited (ENV-2018-CHC-00039)
Federated Farmers of New Zealand (ENV-2018-CHC-00040)
Heritage New Zealand Pouhere Taonga (ENV-2018-CHC-00041)
Stoney Creek Station Limited (ENV-2018-CHC-00042)
The Terraces Limited (ENV-2018-CHC-00043)
Campbell's Block Limited (ENV-2018-CHC-00044)
Robert Grant (ENV-2018-CHC-00045)
Southwood Export Limited and Others (ENV-2018-CHC-00046)
Te Rūnanga o Ngai Tahu and Others (ENV-2018-CHC-00047)
Peter Chartres (ENV-2018-CHC-00048)
Rayonier New Zealand Limited (ENV-2018-CHC-00049)
Royal Forest and Bird Protection Society of New Zealand Inc. (ENV-2018-CHC-00050)

7. This would require the Council to file and serve its evidence in chief on week earlier, i.e. by 7 December 2018, and allow for the Appellants to file and serve their evidence in chief a week later than proposed by Council, i.e. by 1 February 2019. I consider this would allow the Appellants sufficient time to assess and respond to the Council's evidence allowing for the Christmas holiday period.

Dated 26 September 2018



Pene Williams

Counsel for the Director-General

MAY it Please the Court

The following matters are respectfully submitted on behalf of the Director-General of Conservation (the Director-General):

1. This responds to the Memorandum filed on behalf of the Respondent on 19 September 2018 (the Council Memorandum), and as directed by the Court following the Pre-Hearing Conference on 12 September 2018.
2. The Director-General agrees with the Topic A proposals made in the Council Memorandum.
3. In relation to the proposed timetables for evidence exchange, I see that in either scenario proposed in the Council Memorandum evidence in chief for Appellants is due at the end of January 2019, with only one clear week before Christmas following the filing of evidence in chief for the Respondent Council.
4. In my experience, it is very difficult to get witnesses organised to complete evidence and have it ready to file before the end of January. I am also concerned that all parties have sufficient time to consider and respond to evidence.
5. I have reviewed the Ministry of Education website¹ and confirmed the 2019 school holidays between Terms 1 and 2 are from 13 April to 28 April 2019 inclusive. These dates include Anzac Day and the 2019 Easter holiday.
6. I propose an amended alternative evidence timetable, still working towards a Court hearing in late May 2019, as follows:

SRC Evidence in Chief	7/12/18
Appellants' Evidence in Chief	1/2/19
Supportive s274 parties' EIC	15/2/19
Opposing s274 parties' EIC	1/3/19
Witness conferencing	8 – 22/3/19
Joint witness statements due	22/3/19
Appellants' rebuttal	5/4/19
S274 parties' rebuttal	19/4/19
SRC rebuttal	3/5/19
SRC filing evidence etc in Court	10/5/19

¹ <https://www.education.govt.nz/ministry-of-education/school-terms-and-holidays/>