

**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)

**ARATIATIA LIVESTOCK LIMITED**  
(ENV-2018-CHC-29)

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

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**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL  
REGARDING ORDER OF CROSS-EXAMINATION  
31 May 2019**

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Judicial Officer: Judge Borthwick

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**WYNNWILLIAMS**

**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 Act 1991**  
(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.
- 2 On Wednesday 29 May 2019, the Court issued a Minute which responded to the Memorandum of Counsel for Southland Regional Council dated 24 May 2019.<sup>1</sup>
- 3 In this Minute, the Court stated that it “adopts the Regional Council’s proposed order of cross-examination commencing with the Regional Council, then followed by the appellants and s 274 parties in turn.” The Court then directed that the Council confirm that this is the order that is shown in the hearing schedule filed on 24 May 2019.<sup>2</sup>
- 4 Counsel notes that the updated hearing schedule did not pre-empt the Court’s direction in relation to this. Accordingly, no particular order was followed (with the exception of the Council being the first on the list of cross-examination).
- 5 Upon reflection, Counsel no longer considers that an order requiring appellants to cross-examine prior to section 274 parties is tenable. For example, where a witness is being cross-examined, some parties will be an Appellant on some matters covered in that witnesses’ evidence, but a section 274 party on other matters addressed in that evidence.
- 6 Accordingly, Counsel respectfully suggests that the cross-examination order commences with the Council, and the order of subsequent parties is determined at the commencement of the hearing.

**DATED** this 31<sup>st</sup> day of May 2019



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**P A C Maw / K J Wyss**  
 Counsel for the Southland Regional Council

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<sup>1</sup> Minute of the Environment Court dated 29 May 2019.

<sup>2</sup> Minute of the Environment Court dated 29 May 2019 at [4].