

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)

**MEMORANDUM OF COUNSEL FOR SOUTHLAND FISH AND GAME
COUNCIL AND THE ROYAL FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND INC**

15 May 2020

Counsel: Sally Gepp
Barrister
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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)

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. Counsel refers to the Hearing Manager's email of 14 May 2020 indicating that Her Honour Judge Borthwick is looking to set down these proceedings for hearing in Christchurch on 15-17 June 2020. The email advises that it is unlikely alternative hearing dates can be easily accommodated if the dates are not suitable.
2. Counsel for Southland Fish and Game Council and the Royal Forest and Bird Protection Society of New Zealand Inc has a pre-existing High Court hearing on those dates. In-house counsel for Forest & Bird, Mr Anderson, will also be appearing at the High Court hearing.
3. Forest & Bird and Fish & Game have filed a brief of evidence from Mr Ben Farrell, and counsel had anticipated making (relatively short) legal submissions. After receiving the Hearing Manager's email, Counsel has liaised with counsel for the Director-General of Conservation who has kindly agreed, subject to the Court's approval, to lead Mr Farrell's evidence on behalf of Forest & Bird & Fish & Game. Accordingly, the Court's leave is sought:
 - a. To file legal submissions on behalf of Forest & Bird and Fish & Game by 14 June 2020.
 - b. For Mr Farrell's evidence to be called by counsel for the Director-General of Conservation.
 - c. For counsel for Forest & Bird and Fish & Game to be excused from attending the hearing on 15-17 June 2020.
4. If the Court has any questions arising from the legal submissions, counsel would be pleased to answer these by audio-visual link before the High Court hearing commences (that is, between 9 am and 10 am on the 15th or 16th).



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Sally Gepp
Counsel for Southland Fish and Game Council
and the Royal Forest and Bird Protection Society of New Zealand Inc

Date: 15 May 2020