

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

**IN THE MATTER** of the Resource Management Act 1991

**AND** of appeals under clause 14 of the First Schedule of the Act

**BETWEEN** **ARATIATIA LIVESTOCK LIMITED**  
(ENV-2018-CHC-029)

**FEDERATED FARMERS**  
(CIV-2018-CHC-040)  
**Appellants**

**AND** **SOUTHLAND REGIONAL COUNCIL**  
**Respondent**

**AND** **HAMISH ENGLISH**  
**Section 274 Party**  
(and further section 274 parties as continued on next page)

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**MEMORANDUM OF COUNSEL FOR HAMISH ENGLISH  
S274 PARTY**

**Dated: 12 October 2021**

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**AWS LEGAL**  
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**AND ARATIATIA LIVESTOCK LIMITED  
(CIV-2018-CHC-40)**

**AND CAMPBELL'S BLOCK**

**AND D AND G PULLAR**

**AND DIRECTOR-GENERAL OF CONSERVATION**

**AND FAIRLIGHT STATION**

**AND FEDERATED FARMERS OF NEW ZEALAND  
(CIV-2018-CHC-029)**

**AND GUNTON FARMS**

**AND FISH AND GAME COUNCIL OF NEW ZEALAND**

**AND PETER CHARTRES**

**AND TE RUNANGA O NGAI TAHU**

**AND ROBERT GRANT**

**AND ROYAL FOREST AND BIRD PROTECTION SOCIETY  
OF NEW ZEALAND INCORPORATED**

**AND STONEY CREEK STATION**

**AND THE TERRACES LIMITED**

**AND WILKINS FARMING COMPANY LIMITED**

**MAY IT PLEASE THE COURT****Introduction**

- 1 This memorandum of counsel is filed on behalf of Hamish English in response to the directions in response to paragraphs [15](c)-(d) of the directions of the Court issued on 4 October 2021.

**Background**

- 2 Hamish English as a section 274 party in the following appeals:
- (a) Aratiatia Livestock Limited ENV-2018-CHC-029
  - (b) Federated Farmers of New Zealand ENV-2018-CHC-40
  - (c) Wilkins Farming Company ENV-2018-CHCH-30

**Direction [15](c)(i) - Proposed Evidence Exchange Timetable**

- 3 Mr English agrees with the evidence timetable proposed and no changes are sought.

**Direction [15](c)(ii) – Issues to Resolve and to be Decided**

- 4 Mr English considers the list considers the list of essential issues of fact and opinion and legal issues to be decided are accurate and complete.

**Direction 15(c)(iii) – Witnesses to be called**

- 5 Mr English will not call any evidence from any independent expert witness. However, Mr English intends to provide evidence in chief, in relation to the matters concerning intensive winter grazing and secondly in relation to the impact of hydropower generation on the Waiau River.

**Direction 15(c)(iv) – expert availability for expert conferencing**

- 6 Mr English has particular expertise in farming land within the Southland region with his family having over 140 years experience in farming in this region, and Mr English having farmed there for over 45 years.
- 7 More specifically, Mr English has personal experience of the Waiau River prior to hydropower being introduced to the Waiau catchment.
- 8 Mr English is available to attend expert conferencing if his practical experience would be considered useful and he is invited to attend.
- 9 He is generally available on the dates specified.

**Direction 15(d) – attendance at PHC**

10 Counsel will be in attendance at the pre-hearing conference in person in Christchurch however indicates that Mr English will abide by the court's decision in respect of any directions made on the above appeals.

**DATED** at Invercargill this 12<sup>th</sup> day of October 2021



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K L Rusher  
Counsel for s274 Party Hamish English