

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I MUA I TE KOOTI TAIAO O AOTEAROA
KI OTAUTAHI**

IN THE MATTER of of the Resource Management Act 1991

AND 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)

(Continued next page)

MEMORANDUM OF COUNSEL FOR ARATIATIA LIVESTOCK LIMITED

12 OCTOBER 2021

**ELLIS GOULD
LAWYERS
AUCKLAND**

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AUCKLAND**

**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, SOUTHLAND
PLANTATION FOREST COMPANY OF NZ AND
SOUTHWOOD EXPORT LIMITED**

(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

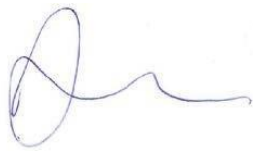
MAY IT PLEASE THE COURT

1. Aratiatia Livestock Limited ("**Aratiatia**") files this memorandum in response to the directions in the Court's Minute of 4 October 2021 ("**Minute**").
2. With reference to **paragraph 15(c)(i)** of the Minute, Aratiatia does not seek any changes to the Regional Council's suggested evidence exchange timetable.
3. With reference to **paragraph 15(c)(ii)** of the Minute, Aratiatia does not seek any changes to the Regional Council's summary of issues of fact and opinion to be resolved and legal issues to be decided.
4. With reference to **paragraph 15(c)(iii)** of the Minute, Aratiatia does not anticipate calling any independent expert witnesses. It proposes to exchange evidence from Paul Marshall and Claire Jordan, both of whom live on Aratiatia's rural property and have presented evidence at earlier hearings on these appeals. Ms Jordan's evidence will acknowledge that her connection to Aratiatia is too close to enable her to be considered as an *independent* expert in this case. She does, however, have qualifications and experience that are relevant to the issues on appeal. By way of explanation, Ms Jordan has a BSc Hons (first class) from the University of Canterbury (2010) majoring in chemistry (undergraduate major) and environmental science (honours major) and is currently undertaking a Master of Resource and Environmental Planning Degree through Massey University. Ms Jordan was a Senior Policy Planner at Environment Southland prior to starting her Master's degree, and was involved in drafting the proposed Southland Water and Land Plan (pSWLP) and undertaking related section 32 and 42A assessments. Ms Jordan has worked as a Policy Analyst/Planner and Environmental Scientist for eight years, within Central and Regional Government and as a consultant.
5. With reference to **paragraph 15(c)(iv)** of the Minute, Aratiatia will not call any independent expert witnesses but asks that Ms Jordan be authorised to attend the expert conferencing given her policy planning qualifications and experience. Ms Jordan will be available to attend such conferencing between 22 November and 10 December 2021.

6. With reference to **paragraph 15(d)** of the Minute, Counsel is based in Auckland and will attend the pre-hearing conference remotely. Mr Marshall and Ms Jordan are based in Southland and will also attend remotely.

7. Finally, Aratiatia records its disappointment that the Council has opposed mediation on Topic B5 – Farming and that, as a consequence, these matters will proceed directly to hearing. Aratiatia supported the matter being referred to mediation and considers that proceeding directly to hearing will add cost and formality and deprives parties of an opportunity to resolve by consent the pSWLP issues that are of greatest practical importance to farming operations. Aratiatia's preference is not to proceed to hearing on these farming issues and it does not consider it necessary to do so. In the circumstances, Aratiatia considers that it would be inappropriate for the Council to seek costs awards against Aratiatia or other farming interests should they ultimately be unsuccessful on appeal.

Dated this 12th day of October 2021

A handwritten signature in blue ink, appearing to read 'D A Allan', with a large loop at the start and a trailing line.

D A Allan
Counsel for Aratiatia Livestock Limited