

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991

AND an appeal under clause 14 of the First Schedule of the Act

BETWEEN MERIDIAN ENERGY LIMITED
(ENV-2018-CHC-38)
Appellant

AND SOUTHLAND REGIONAL COUNCIL
Respondent

**MINUTE OF THE ENVIRONMENT COURT
Amended Timetable Directions
(9 May 2022)**

Introduction

[1] This Minute is issued for the purpose of case management and responds to a memorandum of counsel for the Council dated 6 May 2022.

Hearing date

[2] I had previously proposed that this proceeding could be set down for a hearing the week of 22 August 2022.¹ Due to counsel and court unavailability, I

¹ Minute dated 21 March 2022.



proposed the week of 17 October 2022, to which no party opposed.

Evidence exchange

[3] The court received a memorandum of counsel for the Council which proposes to extend the evidence timetable to alleviate any pressures on witnesses and counsel. I will make the timetable amendments accordingly.

Expert conferencing

[4] Commissioner Leijnen directed for the parties to confirm their availability for expert conferencing during the week of 27 June 2022 or 5 September 2022.²

[5] Counsel proposes for expert conferencing to begin the week of 19 September 2022.

[6] I will set down expert conferencing for the week beginning **19 September 2022**. Unless it is decided it is not in the interests of justice to do so, the Commissioner would prefer for any conferencing to be conducted remotely.³

Responsibilities of counsel

[7] Counsel are to provide their respective experts with a copy of the Environment Court's Expert Witnesses Code of Conduct (Part 7, Environment Court Practice Note 2014) and Protocol for Expert Witness Conferences (Appendix 3, Environment Court Practice Note 2014) and to brief them on their responsibilities under these. Particular attention is to be drawn to those parts which require experts to express their views independent of counsel and the parties who have engaged them.

² See email direction from the court dated 4 May 2022.

³ <https://environmentcourt.govt.nz/assets/Documents/Publications/Environment-Court-COVID-19-Protocol.pdf>

[8] Participants are to be advised by counsel that expert witness conferencing is privileged, except for the signed joint witness statement prepared by the experts following the conference, which will be part of the public record.

Scribe

[9] Counsel are to liaise on the provision of a suitable recorder to attend the conference and prepare the Joint Witness Statement under the direction of the experts. For small conferences (two to three experts) this may be one of the experts, but it is preferable that a non-participant is made available for all conferences. Recorders are to be supplied with the necessary technical equipment, including a laptop computer.

Directions

[10] The timetable is set out in Attachment A.

[11] Leave is reserved for the parties to seek further (or other) directions.

Jane S.



J E Borthwick
Environment Judge

Issued: 9 May 2022

Attachment A

Evidence timetable	
Evidence-in-chief for the appellants to be filed and served	29 July 2022
Evidence-in-chief for s274 parties to be filed and served	19 August 2022
Evidence-in-chief for the Regional Council to be filed and served	2 September 2022

Expert conferencing	
Parties to file joint memo reporting on topics referred to expert conferencing (if any). File draft agenda (if Commissioner is to be appointed).	9 September 2022
Expert witness conferencing of technical witnesses, and planners to take place	Week commencing 19 September 2022 ⁴
Joint Witness Statements of technical witnesses and planners to be filed – or if no expert conferencing takes place – evidence in reply may be filed.	30 September 2022

⁴ One week is allowed, the court expects parties to confer with the Commissioner and refine days required.