

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

IN THE MATTER of the Resource Management Act 1991

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

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

AND MERIDIAN ENERGY LIMITED  
(ENV-2018-CHC-38)

Appellants

AND SOUTHLAND REGIONAL COUNCIL

Respondent

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**MINUTE OF THE ENVIRONMENT COURT**  
**Timetable directions**  
**(15 February 2022)**

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**Introduction**

[1] This Minute is released for the purpose of case management of two appeals, being:

- (a) Wilkins Farming Co – ENV-2018-CHC-30; and
- (b) Meridian Energy Ltd – ENV-2018-CHC-38.



[2] Certain provisions under appeal have been grouped into two tranches and are being case managed to a hearing. The tranches are:<sup>1</sup>

- **Tranche 2 – Wilkins ENV-2018-CHC-30**

Policy 42 (Consideration of water permit applications);

Rule 49 (Abstraction, diversion and use of surface water); and

Appendix L.5 (Groundwater allocation).

- **Tranche 3 – Meridian ENV-2018-CHC-38**

Policy 26 (Renewable energy);

Rule 52A (Manapōuri Hydro-electric Generation Scheme); and

Proposed new Rule 52B.

### **Tranche 2 – Wilkins**

[3] The court no longer has time to hear the preliminary jurisdictional issue during February and March 2022 as indicated in the court's last Minute.<sup>2</sup>

[4] The reason for this is the reduction of the court's pre-reading time because of the late filing of an application for consent orders (Tranche 1) and the setting down of the all of parties' hearing.<sup>3</sup>

[5] The preliminary jurisdictional issue will now be set down as a back-up fixture in the week commencing **7 June 2022**. If the back-up fixture is not reached,

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<sup>1</sup> Regional Council memorandum 'regarding refinements to timetable for tranches 2 and 3' dated 4 February 2022.

<sup>2</sup> Minute 'Tranche 2 and 3' dated 23 December 2021.

<sup>3</sup> Record of Pre-Hearing Conference held 10 February 2022.

the jurisdictional issue will be set down for a firm fixture in the week commencing **15 August 2022**.

[6] Timetabling directions for evidence exchange will issue after the decision on the jurisdictional issue is released.

### **Tranche 3 – Meridian**

[7] Given the advice that it is not necessary for the Tranche 1 decision to be issued before Tranche 3 provisions are heard, I will make timetable directions. While the directions made differ from those proposed, this is still with a view to reaching an August hearing. The directions are set out in the Table appended to this Minute.

[8] If expert conferencing takes place, the joint witness statements – not rebuttal evidence – is directed. If it does not, evidence in reply may be filed.

[9] Counsel are to advise whether any significant issues as to law arise and if they do, then to identify the issues and give a view as to whether the proceeding is one suitable for sitting with two or more judges.

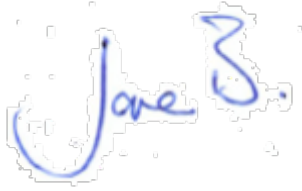
[10] The court can hear the proceeding in the week commencing **15 August 2022**.

### **Standard case management directions**

[11] The general case management directions given in the Record of Pre-Hearing Conference issued 22 October 2021 at paragraphs [25] and [26] apply.

[12] By **25 February 2022**, the Regional Council having conferred with the parties will file a memorandum advising whether the parties are available on the proposed fixture dates (above) and in the case of the Meridian appeal, identifying any significant issues as to law and giving a view on the composition of the bench.

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

A handwritten signature in blue ink, appearing to read "J E Borthwick". The signature is somewhat stylized and is positioned to the left of the court seal.

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**J E Borthwick**  
**Environment Judge**

Issued: 15 February 2022

<b>Evidence timetable</b>	
Evidence-in-chief for the appellants to be filed and served	27 May 2022
Evidence-in-chief for s274 parties to be filed and served	3 June 2022
Evidence-in-chief for the Regional Council to be filed and served	17 June 2022

<b>Expert conferencing</b>	
Parties to file joint memo reporting on topics referred to expert conferencing (if any). File draft agenda (if Commissioner is to be appointed).	24 June 2022
Expert witness conferencing of technical witnesses, and planners to take place	Week commencing 4 July 2022 <sup>4</sup>
Joint Witness Statements of technical witnesses and planners to be filed – <b>or</b> if no expert conferencing takes place – evidence in reply may be filed.	15 July 2022

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

<b>Hearings to commence in Christchurch</b>	
Tranche 2 – Wilkins Preliminary Jurisdictional Issue	To be confirmed:  Back-up fixture – week commencing 7 June 2022  Firm fixture – week commencing 15 August 2022
Tranche 3 – Meridian	To be confirmed:  Week commencing 15 August 2022