

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

ENV-2018-CHC-26 TO 50

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under clause 14 of Schedule 1
to the Act relating to the proposed
Southland Water and Land Plan

BETWEEN

ALLIANCE GROUP LIMITED
ENV-2018-CHC-39

SOUTHLAND FISH AND GAME COUNCIL
ENV-2018-CHC-37

**WAIHOPAI RŪNAKA, HOKONUI RŪNAKA,
TE RŪNANGA O AWARUA, TE RŪNANGA O
ŌRAKA ARARIMA AND TE RŪNANGA O
NGĀI TAHU**
ENV-2018-CHC-47

ROYAL FOREST & BIRD PROTECTION SOCIETY
ENV-2018-CHC-50

AND

SOUTHLAND REGIONAL COUNCIL
Respondent

**INTERLOCUTORY APPLICATION SEEKING LEAVE FOR COUNSEL TO BE
EXCUSED FOR PARTS OF THE HEARING**
27 MAY 2019



ATKINS | HOLM | MAJUREY

Helen Atkins
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AUCKLAND 1140

MAY IT PLEASE THE COURT:

1. The Court's minute of 5 March 2019 directed that counsel wishing to be excused from attending the full duration of the Topic A hearings seek leave of the Court.
2. The purpose of this application is to seek leave for counsel (Ms H A Atkins) for Horticulture New Zealand (**HortNZ**) to be excused for the full duration of the hearing and to inform the Court that Ms C Lenihan (who is also acting for Federated Farmers of New Zealand Southland Province (**Federated Farmers**) will be attending the Court for HortNZ during those times that Ms Atkins is not present. Further details are set out below.
3. HortNZ is a section 274 party in respect of the following appeals:
 - (a) Alliance Group Limited (**Alliance**) - ENV-2018-CHC-39;
 - (b) Southland Fish and Game Council (**Fish & Game**) - ENV-2018-CHC-37;
 - (c) Ngā Rūnanga (Waihopai Rūnaka, Te Rūnanga o Awarua and Te Rūnanga o Ōraka Araramima and Hokonui Rūnaka) and Te Rūnanga o Ngāi Tahu, (collectively referred to as **Ngā Rūnanga**) - ENV-2018-CHC-47; and
 - (d) Royal Forest and Bird Protection Society (**Forest & Bird**) - ENV-2018-CHC-50.
4. HortNZ interests in the appeals is set out in the two statements of evidence in chief from Ms Lynette Wharfe. In summary, HortNZ supports the decisions version of the proposed Southland Land and Water Plan (**pSLWP**) as it pertains to Topic A and its interest in the appeals are in the context of that support.

5. HortNZ has called planning evidence only and has not lodged any rebuttal evidence as all the matters have been covered by evidence in chief. No other party has lodged rebuttal evidence in relation to the evidence called by HortNZ. HortNZ will not be cross examining any of the parties' planning witnesses.
6. Counsel will be attending the hearing during the following times:
 - (a) For opening statements and the beginning of the case for Southland Regional Council;
 - (b) For HortNZ's case which is due to be completed on Friday 7 June.
7. Ms Lenihan will attend the hearing at all other times but it is understood that she intends to seek leave to be excused for a short period on the last day of the second week (14 June 2019). Her request for this will encompass leave in relation to HortNZ.
8. Counsel therefore seeks leave to be excused for those times she is not there and for the Court to note that Ms Lenihan will be representing HortNZ at those times Counsel is absent.

DATE: 27 MAY 2019



Helen Atkins

Legal Counsel for Horticulture New Zealand