

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

**ENV-2018-CHC-29
ENV-2018-CHC-38
ENV-2018-CHC-47
ENV-2018-CHC-50**

**I Mua I Te Kōti Taiao o Aotearoa
Otautahi Rohe**

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14 of Schedule 1 of the RMA in relation to decisions on the Proposed Southland Water and Land Plan

BETWEEN **Aratiatia Livestock Limited, Meridian Energy Limited, Waihopai Rūnaka, Hokonui Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Oraka Aparima, and Te Rūnanga o Ngāi Tahu, Royal Forest and Bird Protection Society of New Zealand Incorporated**

Appellants

AND **SOUTHLAND REGIONAL COUNCIL**

Respondent

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

Dated: 1 November 2022

**AWS LEGAL
SOLICITORS
INVERCARGILL**

**Solicitor: Kristy Rusher
(kristy.rusher@awslegal.com)**

**80 Don Street
PO Box 1207
DX YA90008, INVERCARGILL
Tel 03 211 1370
Fax 03 214 4122**

MAY IT PLEASE THE COURT

- 1 Counsel seeks leave to be excused from the court hearing other than when appearing for Mr Hamish English, a section 274 party to the appeal by Aratiatia Ltd (ENV-2018-CHC-029) for the reasons set out below.
- 2 The dates of hearing for this matter were initially scheduled for earlier in 2022.
- 3 On that basis, counsel committed to appearing at a three-week arbitration proceeding for the 14th November to 2nd of December, such dates being the sole period in 2022 where all counsel and the arbitrator were available for that hearing. When the Tranche 3 hearing dates were vacated, Counsel advised the Registrar that Mr English was not available in the proposed hearing period of 14th to 18th November.
- 4 By subsequent minute the hearing was set down for the 14th to 19th of November and by minute dated 27th October the Court has indicated the hearing will occur over seven days including 21st and 22nd November 2022.
- 5 Having conferred with the Regional Council, it would appear that Counsel's absence could be accommodated with specific scheduled times for Mr English's brief submissions and evidence to be delivered.
- 6 To avoid inconvenience to the Appellants and other parties in this proceeding Counsel has arranged for adjournments to the arbitration for the periods in which the opening and closing submissions and evidence of Mr English are delivered.
- 7 Counsel requests that leave is granted to excuse Counsel for those parts of the hearing that do not require Mr English to be fully represented.

DATED 1 November 2022



K L Rusher
Counsel for s274 Party Hamish English