

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

UNDER the Resource Management Act 1991

IN THE MATTER 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 SOUTHLAND REGIONAL COUNCIL IN
RELATION TO REQUEST TO ENLARGE TIMETABLE DIRECTIONS
7 May 2020**

Judicial Officer: Judge Borthwick

Respondent's Solicitor
PO Box 4341 CHRISTCHURCH 8140
DX WX11179
Tel +64 3 379 7622
Fax +64 379 2467

Solicitor: P A C Maw
(philip.maw@wynnwilliams.co.nz)

WYNNWILLIAMS

**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
(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, KODANSHA
TREEFARM NEW ZEALAND LIMITED, SOUTHLAND
PLANTATION FOREST COMPANY OF NEW ZEALAND**
(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 This Memorandum of Counsel is filed on behalf of the Southland Regional Council (**Council**) in response to the memorandum of Counsel filed today by Counsel for the Director-General of Conservation (**Director-General**).
- 2 Counsel for the Director-General sought an extension of the timetable with respect to the filing of Ms Kirk's evidence, and an extension with respect to the subsequent steps in the timetable.
- 3 The subject matter of these appeals is of critical importance to the Council, as is the expeditious resolution of these appeals. As such, the Council is concerned to avoid any unnecessary delay in timetabling such that these appeals can be brought back on for hearing (if required) just as soon as possible.
- 4 For these reasons, the Council seeks alternative directions that:
 - (a) Accommodate the short extension requested with respect to the filing of Ms Kirk's evidence; and
 - (b) Otherwise maintain the timetable with respect to all other parties and all other steps.
- 5 The request for an extension of time with respect to the filing of Ms Kirk's evidence is entirely reasonable, and the Council does not oppose that request.
- 6 In making that request, Counsel for the Director-General indicated that it may also be appropriate for a similar extension for other parties who wish to file and serve evidence in response to the evidence for Ngā Rūnanga and the Council.
- 7 The Council opposes any such extension for other parties, as those other parties are not, in any way, prejudiced by an extension of time being granted with respect to Ms Kirk's evidence.
- 8 The only parties potentially prejudiced by an extension of time for the filing of Ms Kirk's evidence are the Council and Ngā Rūnanga, as those are the only two parties who have the option of filing evidence in reply.
- 9 Counsel has spoken with Counsel for Ngā Rūnanga, and can confirm that Ngā Rūnanga is not prejudiced by the granting of a short extension

with respect to the filing of Ms Kirk's evidence, whilst maintaining the subsequent steps in the timetable.

- 10 Likewise, the Council is not prejudiced by the granting of a short extension with respect to the filing of Ms Kirk's evidence, and is able to comply with the subsequent steps in the timetable
- 11 For these reasons, Counsel respectfully requests the following directions with respect to the timetable:
- (a) That the evidence of Ms Kirk for the Director-General of Conservation in response to the evidence in chief filed by Southland Regional Council and Ngā Rūnanga is to be filed and served by **Wednesday 13 May 2020**;
 - (b) That all other steps in the timetable be confirmed, as follows:
 - (i) all other parties are to file and serve evidence in response [to the evidence in chief filed by the Southland Regional Council and Ngā Rūnanga] by **Friday 8 May 2020**. Again, if any party proposes amendments to the wording of the plan, such wording should be set out;
 - (ii) Southland Regional Council and Ngāi Rūnanga are to file any evidence in reply by **Friday 22 May 2020**;
 - (iii) Southland Regional Council, having conferred with the other parties, will file a memorandum identifying any issue as between the parties in respect of which a determination is required and seek further case management directions by **Friday 29 May 2020**. The reporting memorandum should indicate whether the parties wish to examine any witness and/or be heard in person by the court.

DATED this 7th day of May 2020



.....
P A C Maw
Counsel for the Southland Regional Council