

**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

**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL
REGARDING THE UPDATED HEARING SCHEDULE, CROSS-
EXAMINATION TIMES, CLOSING SUBMISSIONS FOR COUNCIL, AND
OPPORTUNITY FOR FURTHER EVIDENCE FROM COUNCIL
24 May 2019**

Judicial Officer: Judge Borthwick

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WYNNWILLIAMS

(ENV-2018-CHC-30)

**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 Act 1991
(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 respect of the appeals against the Council's decision on the proposed Southland Water and Land Plan (**pSWLP**).
- 2 As directed by the Court in its Minute dated 30 April 2019, the Council is to file a cross-examination schedule including estimates of the time each party requires for cross-examination of witnesses, and an allowance for court questions for each witness.¹
- 3 The Council was also directed to file an updated order of parties and schedule of witnesses.²
- 4 The Court also directed the Council to respond to the Court's suggestion that the Council have an additional opportunity to give further evidence at the end of the other parties' evidence.³

Hearing schedule – order of parties and schedule of witnesses

- 5 The Court directed, in its Minute dated 30 April 2019, that the hearing schedule that was previously filed with the Court on 2 April 2019 setting out the order of parties and schedule of witnesses⁴ (and subsequently confirmed by Counsel for the Council on 26 April 2019) be updated to remove the Oil Companies.⁵
- 6 Counsel for the Council has updated the hearing schedule as directed.
- 7 Counsel for the Council has also amended the hearing schedule to reflect with the Court's directions in relation to opening and closing submissions, cross examination, and Court questions. A single comprehensive schedule allowing time for opening and closing submissions, cross examination, and Court questions is attached to this Memorandum as **Appendix A**.
- 8 Counsel for the Council notes that while it has endeavoured to provide an accurate date for when each party can expect its witnesses to

1 Minute of the Environment Court dated 30 April 2019 at [6]-[8].

2 Minute of the Environment Court dated 30 April 2019 at [9].

3 Minute of the Environment Court dated 30 April 2019 at [14(f)(ii)].

4 Memorandum of Counsel for Southland Regional Council dated 2 April 2019.

5 Minute of the Environment Court dated 30 April 2019 at [9].

appear, the days included in the schedule are indicative only due to the uncertain nature of the length of cross-examination (noting the Court's directions that the time estimations are to be respected except with leave) and Court questions, length of parties' closings, and any administrative issues that may arise throughout the hearing. Counsel has taken account of lunch and tea breaks when determining which days parties are likely to appear.

Cross-examination schedule

- 9 In its Minutes dated 5 April and 30 April 2019, the Court directed the Council to confer with the other parties and confirm the witnesses required for cross-examination, noting the party (and counsel) seeking to cross-examine each witness.⁶ The Council was directed to provide this information by Friday 24 May 2019.
- 10 The Court also directed in its Minute dated 30 April 2019 that all parties are to provide an informed estimate of the time required for each witness to be cross-examined.⁷ The Court expects that this estimate will be respected, save in extraneous circumstances, such as the Court finding a witness uncooperative, where leave to extend cross-examination may be sought.
- 11 Notwithstanding this, Counsel for Fish & Game, Aratiatia Livestock Limited, and Meridian Energy Limited noted that the estimates given for cross-examination of Council witnesses may need to alter slightly due to the parties' estimates being provided prior to the Council's rebuttal evidence being filed.
- 12 Counsel for the Council conferred with the parties, requesting that they each confirm which witnesses they intend to cross-examine, which counsel will be cross-examining which witness, and the estimated time required for this cross-examination by 5pm on Wednesday 22 May 2019.
- 13 Counsel for the Council reminded all parties who had not responded of this deadline on Thursday 23 May and Friday 24 May 2019 and asked that if those parties wished to cross-examine any witnesses that they

⁶ Minute of the Environment Court dated 5 April 2019 at [10(c)] and Minute of the Environment Court dated 30 April 2019 at [14(f)(i)].

⁷ Minute of the Environment Court dated 30 April 2019 at [6]-[7].

advise as soon as possible. No further cross-examination estimates were received.

14 Counsel notes that it did not receive a response from the following parties regarding their cross-examination intentions:

(a) Robert Kempthorne

(b) Peter Chartres

15 As noted in paragraph 7 above, Counsel for the Council has prepared a comprehensive schedule, which includes the witnesses required for cross-examination, the party (and counsel) seeking to cross-examine each witness, the estimated time required for this cross-examination, and indicative days/dates. This comprehensive hearing schedule is attached as **Appendix A**.

Closing submissions for Council

16 As noted in the Minute dated 30 April 2019, parties may give a closing submission at the end of evidence called in support of their appeal or, with leave of the court, at the end of the hearing.⁸

17 Counsel respectfully considers that it is appropriate for the Council to give its closing submissions at the end of the hearing given the Council's evidence is being heard at the start of the hearing. It will also allow Counsel to provide its closing in light of the evidence and cross-examination of other parties' witnesses.

18 Accordingly, Counsel for the Council respectfully seeks leave for closing submissions for the Council to be given at the end of the hearing.

Further evidence from Council following all other parties' evidence

19 In its Minute dated 30 April 2019, the Court directed the parties to confer and respond regarding the Court's proposal that the Council be provided an additional opportunity to present further evidence, at the end of the evidence, to respond to any matters arising during the hearing (due to the hearing proceeding in the order of parties and not specialist topics).

20 Counsel asked the parties to advise their views on the Court's proposal. The views of the parties who responded are set out below.

⁸ Minute of the Environment Court dated 30 April 2019 at [12].

- 21 Counsel for Aratiatia does not oppose the Court's proposal, provided other parties have an opportunity to cross-examine on any evidence relevant to its interests.
- 22 Counsel for Meridian considers that the evidence exchange timetable allowed sufficient opportunity for the Council to present any evidence it considered relevant. In the event that, as a consequence of what transpires at the hearing, the Court seeks additional evidence on a particular topic, Counsel for Meridian expects that the Court would adopt a process that ensured fairness to all parties by allowing an opportunity to consider and respond to that evidence. However, if the Council wishes to produce new evidence outside of a direction from the Court, Counsel for Meridian considers that the Council should make an application to do so explaining the reasons why such further evidence is required. Counsel for Meridian considers that, if the Court were to grant leave to the Council to produce further evidence, it will need to establish a process that gives other parties a fair opportunity to consider and respond to that evidence.
- 23 Counsel for the Director-General of Conservation is not opposed to the Court's proposal, however it is concerned about the potential scope of this further evidence, and whether it is evidence which should be anticipated and provided through the rebuttal process. If Council considers there is a need to call further evidence to respond to a matter arising during the hearing, Counsel for the Director-General of Conservation would prefer that the need for further evidence, and the parameters of that evidence, be discussed at the hearing.
- 24 Ballance Agri-Nutrients Limited has no issue with the Court's proposal.
- 25 Forest & Bird does not support the Court's proposal. It considers that further evidence from the Council should only be provided for, with the Court's leave, where the Council has shown that the matter that its witness would be responding to is a new matter that has not been addressed in the evidence.
- 26 Subject to Court directions, Counsel for the Council does not at this stage anticipate a requirement to present further evidence at the end of the evidence of other parties.
- 27 However, if the Court considers it necessary / desirable for the Council to provide evidence in response to matters raised throughout the

hearing, the Council will do so, and notes that, in the interest of fairness, parties should be given an opportunity to consider and cross-examine any further evidence that is presented.

Order of cross-examination

28 Counsel for the Council notes that the Court has not issued directions as to the order of parties for cross-examination.

29 Counsel suggests that a logical order would be to have the Council as the first to cross-examine each witness (where it wishes to do so), followed by any appellants, and then any s 274 parties.

Witnesses where no party intends to cross-examine

30 Counsel for the Council notes that there are a number of witnesses that no party intends to cross-examine. Counsel for the Council seeks directions from the Court in relation to the attendance of any witness that will not be cross-examined, specifically:

(a) Does the Court have any questions for those witnesses in **Appendix A** that will not be cross-examined?

(b) Will the Court be taking each witness' evidence as being read?

(c) Will the witnesses that will not be cross-examined, and for whom the Court does not have any questions, be expected to attend the hearing (if the Court will be taking their evidence as read)?

31 If the Court were inclined to excuse those witnesses from attending the hearing, Counsel for the Council proposes that a suitable arrangement for those witnesses could be for them to provide the Court with a signed version of their evidence.

32 Counsel for the Council considers that this approach would not prejudice any party and would be beneficial in the interests of time and costs.

Hearing time

33 Counsel for the Council notes that, based on the updated hearing schedule (contained in **Appendix A**), two weeks appears to be insufficient time to complete the hearing.

34 In estimating the total scheduled time for completing the hearing, Counsel has allowed a nominal time of 30 minutes per party for closing submissions. Counsel notes that this is for the purposes of our

calculations of the estimated hearing time only and does not purport to limit the time parties have for closing submissions.

- 35 Counsel also notes that in estimating the hearing time, some assumptions have been made regarding overlap of cross-examination which should reduce the required days, compared to the cumulative total that appears in the hearing schedule in Appendix A.
- 36 Counsel notes the advice from the Court that, if required, the Court has capacity to hear the remainder of the hearing on Monday 17 June to Thursday 20 June 2019. Accordingly, Counsel has scheduled some witnesses to appear during this additional period of time (noting that the days set out in the hearing schedule are indicative only).
- 37 However, Counsel for the Council have an existing High Court appeal set down to be heard in Christchurch on Monday 17 June 2019.
- 38 In light of this, Counsel for the Council respectfully seeks that, if additional time is required for the hearing, the hearing be adjourned for Monday 17 June 2019 and instead resume on Tuesday 18 June 2019.

Directions sought

- 39 As set out above, Counsel respectfully seeks the following directions:
- (a) that closing submissions for the Council to be given at the end of the hearing;
 - (b) that the Court address the following questions:
 - (i) Does the Court have any questions for those witnesses in **Appendix A** that will not be cross-examined?
 - (ii) Will the Court be taking each witness' evidence as being read?
 - (c) that the Court issue directions as to the attendance of witnesses where they are not being cross-examined and the Court does not have questions for them; and

- (d) if additional time is required for the hearing, the hearing be adjourned for Monday 17 June 2019 and instead resume on Tuesday 18 June 2019.

DATED this 24th day of May 2019

A handwritten signature in blue ink that reads "P. Maw". The signature is written in a cursive style with a large initial "P" and a stylized "Maw".

.....
P A C Maw / K J Wyss
Counsel for the Southland Regional Council

Appendix A – comprehensive hearing schedule

Hearing Dates	Party			Counsel cross-examining	Time allowed
Tuesday 4 June	Southland Regional Council	Opening legal submissions (in full)	Southland Regional Council		
	All parties, including parties that are not calling evidence	Overview of key issues for determination	Heritage New Zealand Pouhere Taonga		10 minutes
			Federated Farmers of New Zealand (Federated Farmers)		10 minutes
			Horticulture New Zealand		10 minutes
			Ballance Agri-nutrients		10 minutes
			Gore District Council, Southland District Council & Invercargill City Council		10 minutes
			Ravensdown Ltd		10 minutes
			Royal Forest and Bird Protection Society of New Zealand (Forest & Bird)		10 minutes
			Southland Fish and Game		10 minutes

			Council (Fish & Game)		
			Director-General of Conservation		10 minutes
			Waihopai Rūnaka, Hokonui Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Oraka Aparima, and Te Rūnanga o Ngāi Tahu (collectively Ngā Rūnanga)		10 minutes
			Meridian Energy Ltd		10 minutes
			Waiau Rivercare Group		10 minutes
			Aratiatia Livestock Ltd		10 minutes
			Alliance Group Ltd		10 minutes
			DairyNZ Ltd		10 minutes
			Fonterra Co-operative Group		10 minutes
			Wilkins Farming Co		10 minutes
			Hamish English		10 minutes

			Peter Chartres		10 minutes
			Invercargill Airport Ltd		10 minutes
			Grant & Rachel Cockburn		10 minutes
			Robert Kempthorne		10 minutes
			Dairy Holdings Limited		10 minutes
Wednesday 5 June	Southland Regional Council	Counsel recap of key issues			5 minutes
		Roger Hodson	Cross examination	Meridian Energy Ltd (Stephen Christensen)	20 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	10 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	15 minutes
				Fish & Game (Sarah Ongley)	20 minutes
				Court questions	45 minutes

		Nicholas (Nick) Ward	Cross examination	Meridian Energy Ltd (Stephen Christensen)	10 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	10 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	20 minutes
				Fish & Game (Sarah Ongley)	5 minutes
			Court questions		45 minutes
		Kelvin Lloyd	Cross examination		
			Court questions		45 minutes
		Ewen Rodway	Cross examination	Meridian Energy Ltd (Stephen Christensen)	10 minutes
				Director-General of Conservation (Dean van Mierlo or	10 minutes

				Pene Williams)	
				Ngā Rūnanga (James Winchester or Sal Lennon)	10 minutes
				Forest & Bird (Sally Gepp)	10 minutes
				Fish & Game (Sarah Ongley)	5 minutes
				Federated Farmers (Clare Lenihan)	15 minutes
		Court questions	45 minutes		
		Dr Antonius (Ton) Snelder	Cross examination	Director-General of Conservation (Dean van Mierlo or Pene Williams)	10 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	10 minutes
				Forest & Bird (Sally Gepp)	15 minutes

				Fish & Game (Sarah Ongley)	15 minutes
				Federated Farmers (Clare Lenihan)	15 minutes
			Court questions		45 minutes
		Rebecca Robertson	Cross examination	Director-General of Conservation (Dean van Mierlo or Pene Williams)	10 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	15 minutes
				Forest & Bird (Sally Gepp)	15 minutes
				Fish & Game (Sarah Ongley)	10 minutes
				Court questions	
		Matthew McCallum-Clark	Cross examination	Gore District Council, Southland District Council & Invercargill City Council	25 minutes

				(Territorial Authorities) (Michael Garbett)	
				Meridian Energy Ltd (Stephen Christensen)	20 minutes
				Alliance Group Ltd (Stephen Christensen)	10 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	30 minutes
				Waiau Rivercare Group Inc (Riki Donnelly)	15 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	45 minutes
				Ballance Agri-Nutrients Ltd (Vanessa Hamm)	20 minutes
				Forest & Bird (Sally Gepp)	30 minutes

				Fish & Game (Sarah Ongley)	40 minutes
				Federated Farmers (Clare Lenihan)	30 minutes
			Court questions		45 minutes
Thursday 6 June	Southland Regional Council (continued)	(Remaining Southland Regional Council witnesses)			
Friday 7 June	Heritage New Zealand Pouhere Taonga	Counsel recap of key issues			5 minutes
		Denise Anderson	Cross examination	Territorial Authorities (Michael Garbett)	20 minutes
				Federated Farmers (Clare Lenihan)	15 minutes
				Court questions	45 minutes
		Closings			
	Federated Farmers	Counsel recap of key issues			5 minutes

		Darryl Sycamore	Cross examination	Southland Regional Council (Philip Maw or Kirstie Wyss)	30 minutes
				Territorial Authorities (Michael Garbett)	20 minutes
				Meridian Energy Ltd (Stephen Christensen)	20 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	30 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	30 minutes
				Heritage New Zealand Pouhere Taonga (Melanie Russell)	15 minutes
				Forest & Bird (Sally Gepp)	30 minutes
				Fish & Game (Sarah Ongley)	20 minutes

			Court questions		45 minutes	
		Closings				
	Horticulture New Zealand	Counsel recap of key issues				5 minutes
		Lynette Wharfe	Cross examination	Southland Regional Council (Philip Maw or Kirstie Wyss)	20 minutes	
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	30 minutes	
				Ngā Rūnanga (James Winchester or Sal Lennon)	5 minutes	
				Forest & Bird (Sally Gepp)	30 minutes	
				Fish & Game (Sarah Ongley)	15 minutes	
				Court questions	45 minutes	
		Closings				

Monday 10 June	Ballance Agri-Nutrients Ltd	Counsel recap of key issues			5 minutes
		Sue Ruston	Cross examination	Southland Regional Council (Philip Maw or Kirstie Wyss)	20 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	20 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	10 minutes
				Forest & Bird (Sally Gepp)	20 minutes
				Fish & Game (Sarah Ongley)	15 minutes
			Court questions		45 minutes
	Closings				
Territorial Authorities	Counsel recap of key issues			5 minutes	

		Ian Evans	Cross examination	Meridian Energy Ltd (Stephen Christensen)	5 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	10 minutes
				Fish & Game (Sarah Ongley)	10 minutes
			Court questions	45 minutes	
		Malcolm Loan	Cross examination	Ngā Rūnanga (James Winchester or Sal Lennon)	20 minutes
				Forest & Bird (Sally Gepp)	5 minutes
				Fish & Game (Sarah Ongley)	10 minutes
			Court questions	45 minutes	
		Matthew Bayliss	Cross examination	Ngā Rūnanga (James Winchester or Sal Lennon)	10 minutes

				Forest & Bird (Sally Gepp)	5 minutes
				Fish & Game (Sarah Ongley)	10 minutes
			Court questions		45 minutes
		Susan (Sue) Bennett	Cross examination	Meridian Energy Ltd (Stephen Christensen)	10 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	10 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	10 minutes
				Forest & Bird (Sally Gepp)	20 minutes
				Fish & Game (Sarah Ongley)	20 minutes
				Court questions	45 minutes

		Janan Dunning	Cross examination	Southland Regional Council (Philip Maw or Kirstie Wyss)	20 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	20 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	20 minutes
				Forest & Bird (Sally Gepp)	30 minutes
				Fish & Game (Sarah Ongley)	20 minutes
			Court questions		45 minutes
Tuesday 11 June	Territorial Authorities (continued)	(Remaining Territorial Authorities witnesses)			
		Closings			

	Ravensdown Ltd	Counsel recap of key issues			5 minutes
		Carmen Taylor	Cross examination	Southland Regional Council (Philip Maw or Kirstie Wyss)	20 minutes
				Alliance Group Ltd (Stephen Christensen)	5 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	20 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	5 minutes
				Forest & Bird (Sally Gepp)	20 minutes
				Fish & Game (Sarah Ongley)	20 minutes
				Court questions	45 minutes
		Closings			

	Forest & Bird	Counsel recap of key issues			5 minutes
		Kathryn (Kate) McArthur	Cross examination	Southland Regional Council (Philip Maw or Kirstie Wyss)	30 minutes
				Territorial Authorities (Michael Garbett)	25 minutes
				Meridian Energy Ltd (Stephen Christensen)	20 minutes
				Alliance Group Ltd (Stephen Christensen)	5 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	10 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	5 minutes
				Ballance Agri-Nutrients Ltd (Vanessa Hamm)	20 minutes

				Fish & Game (Sarah Ongley)	5 minutes
				Federated Farmers (Clare Lenihan)	20 minutes
			Court questions		45 minutes
Wednesday 12 June	Fish & Game	Counsel recap of key issues			5 minutes
		Professor Russell Death	Cross examination	Southland Regional Council (Philip Maw or Kirstie Wyss)	20 minutes
				Meridian Energy Ltd (Stephen Christensen)	20 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	5 minutes
				Ballance Agri-Nutrients Ltd (Vanessa Hamm)	20 minutes
				Court questions	45 minutes
	Forest & Bird and	Ben Farrell (joint)	Cross examination	Southland Regional Council (Philip Maw or	30 minutes

	Fish & Game			Kirstie Wyss)	
				Territorial Authorities (Michael Garbett)	30 minutes
				Meridian Energy Ltd (Stephen Christensen)	20 minutes
				Ravensdown Ltd (Mark Christensen)	15 minutes
				Alliance Group Ltd (Stephen Christensen)	10 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	10 minutes
				DairyNZ Ltd and Fonterra Co-operative Group (Bal Matheson)	20 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	10 minutes
				Ballance Agri-Nutrients	20 minutes

				Ltd (Vanessa Hamm)	
				Federated Farmers (Clare Lenihan)	45 minutes
			Court questions		45 minutes
	Forest & Bird	Closings for Forest & Bird			
	Fish & Game	Closings for Fish & Game			
	Director-General of Conservation	Counsel recap of key issues			5 minutes
		Donna Shepard	Cross examination		
			Court questions		45 minutes
		Brian Rance	Cross examination		
			Court questions		45 minutes
		Emily Funnell	Cross examination		Meridian Energy Ltd (Stephen Christensen)
				Fish & Game (Sarah Ongley)	5 minutes

			Court questions		45 minutes
		Linda Kirk	Cross examination	Southland Regional Council (Philip Maw or Kirstie Wyss)	30 minutes
				Territorial Authorities (Michael Garbett)	25 minutes
				Meridian Energy Ltd (Stephen Christensen)	20 minutes
				Ravensdown Ltd (Mark Christensen)	10 minutes
				Waiau Rivercare Group Inc (Riki Donnelly)	10 minutes
				DairyNZ Ltd and Fonterra Co-operative Group (Bal Matheson)	20 minutes
				Ballance Agri-Nutrients Ltd (Vanessa Hamm)	10 minutes
				Fish & Game (Sarah Ongley)	10 minutes

				Federated Farmers (Clare Lenihan)	20 minutes
			Court questions		45 minutes
		Closings			
Thursday 13 June	Ngā Rūnanga	Counsel recap of key issues			5 minutes
		Ailsa Cain	Cross examination	Fish & Game (Sarah Ongley)	10 minutes
			Court questions		45 minutes
		Michael Skerrett	Cross examination	Meridian Energy Ltd (Stephen Christensen)	5 minutes
				Fish & Game (Sarah Ongley)	10 minutes
			Court questions		45 minutes
		Dr Jane Kitson	Cross examination	Meridian Energy Ltd (Stephen Christensen)	20 minutes
				Director-General of Conservation	10 minutes

				(Dean van Mierlo or Pene Williams)	
				Fish & Game (Sarah Ongley)	10 minutes
			Court questions		45 minutes
		Treena Davidson	Cross examination	Southland Regional Council (Philip Maw or Kirstie Wyss)	20 minutes
				Meridian Energy Ltd (Stephen Christensen)	20 minutes
				Alliance Group Ltd (Stephen Christensen)	10 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	10 minutes
				Waiau Rivercare Group Inc (Riki Donnelly)	10 minutes
				Forest & Bird	10 minutes

			(Sally Gepp)		
			Fish & Game (Sarah Ongley)	10 minutes	
			Federated Farmers (Clare Lenihan)	20 minutes	
		Court questions	45 minutes		
	Closings				
	Meridian Energy Ltd	Counsel recap of key issues			5 minutes
		Guy Waipara	Cross examination		
			Court questions		45 minutes
		Andrew Feierabend	Cross examination	Aratiatia Livestock Ltd (Douglas Allan)	20 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	10 minutes
Waiau Rivercare Group Inc				20 minutes	

				(Riki Donnelly)	
				Ngā Rūnanga (James Winchester or Sal Lennon)	10 minutes
				Fish & Game (Sarah Ongley)	15 minutes
			Court questions		45 minutes
		Dr Jennifer Purdie	Cross examination	Ngā Rūnanga (James Winchester or Sal Lennon)	5 minutes
			Court questions		45 minutes
		Dr Mark James	Cross examination	Director-General of Conservation (Dean van Mierlo or Pene Williams)	10 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	10 minutes
				Forest & Bird (Sally Gepp)	10 minutes

				Fish & Game (Sarah Ongley)	20 minutes
			Court questions		45 minutes
		Margaret (Jane) Whyte	Cross examination	Southland Regional Council (Philip Maw or Kirstie Wyss)	20 minutes
				Aratiatia Livestock Ltd (Douglas Allan)	20 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	20 minutes
				Waiau Rivercare Group Inc (Riki Donnelly)	30 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	15 minutes
				Forest & Bird (Sally Gepp)	15 minutes

				Fish & Game (Sarah Ongley)	20 minutes
				Federated Farmers (Clare Lenihan)	10 minutes
			Court questions		45 minutes
		Closings			
Friday 14 June	Waiau Rivercare Group	Counsel recap of key issues			5 minutes
		Peter Horrell	Cross examination	Meridian Energy Ltd (Stephen Christensen)	10 minutes
			Court questions		45 minutes
		Closings			
	Aratiatia Livestock Ltd	Counsel recap of key issues			5 minutes
		Paul Marshall	Cross examination	Meridian Energy Ltd (Stephen Christensen)	10 minutes
			Court questions		45 minutes

		Claire Jordan	Cross examination	Meridian Energy Ltd (Stephen Christensen)	10 minutes
			Court questions		45 minutes
		Closings			
	Alliance Group Ltd	Counsel recap of key issues			5 minutes
	Doyle Richardson	Cross examination	Fish & Game (Sarah Ongley)	15 minutes	
		Court questions		45 minutes	
	John Kyle	Cross examination	Southland Regional Council (Philip Maw or Kirstie Wyss)	15 minutes	
			Director-General of Conservation (Dean van Mierlo or Pene Williams)	10 minutes	
			Ngā Rūnanga (James Winchester or Sal Lennon)	15 minutes	

				Forest & Bird (Sally Gepp)	15 minutes
				Fish & Game (Sarah Ongley)	15 minutes
			Court questions		45 minutes
		Closings			
Tuesday 18 June¹	DairyNZ Ltd and Fonterra Co-operative Group	Counsel recap of key issues	DairyNZ Ltd		5 minutes
			Fonterra Co-operative Group		5 minutes
		Justin Kitto (joint)	Cross examination	Southland Regional Council (Philip Maw or Kirstie Wyss)	10 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	10 minutes
				Ngā Rūnanga (James Winchester or	15 minutes

¹ Subject to Court directions regarding Southland Regional Council's application seeking an adjournment for Monday 17 June sought at paragraph [39(d)] of its Memorandum of Counsel dated 24 May 2019.

				Sal Lennon)	
				Forest & Bird (Sally Gepp)	30 minutes
				Fish & Game (Sarah Ongley)	20 minutes
			Court questions		45 minutes
		Gerard Willis (joint)	Cross examination	Southland Regional Council (Philip Maw or Kirstie Wyss)	15 minutes
				Director-General of Conservation (Dean van Mierlo or Pene Williams)	20 minutes
				Ngā Rūnanga (James Winchester or Sal Lennon)	20 minutes
				Forest & Bird (Sally Gepp)	30 minutes
				Fish & Game (Sarah Ongley)	30 minutes

			Court questions		45 minutes
		Closings	DairyNZ Ltd		
			Fonterra Co-operative Group		
	Closing legal submissions for any parties that have sought and obtained leave	Closings for Wilkins Farming Co			
		Closings for Invercargill Airport Ltd			
		Closings for Grant & Rachel Cockburn			
		Closings for Robert Kempthorne			
		Closings for Hamish English			
		Closings for Peter Chartres			
		Closings for Dairy Holdings Limited			

		Closings for Southland Regional Council ²			
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² Subject to Court directions regarding Southland Regional Council's application for leave sought at paragraph [39(a)] of its Memorandum of Counsel dated 24 May 2019.