

**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)

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**MEMORANDUM OF COUNSEL FOR THE SOUTHLAND REGIONAL  
COUNCIL REGARDING JOINT EXPERT CONFERENCE ON POLICY 30 AND  
RULE 78**

**26 April 2023**

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Judicial Officer: Judge Borthwick

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

**GORE DISTRICT COUNCIL, SOUTHLAND DISTRICT  
COUNCIL & INVERCARGILL CITY 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**) regarding Tranche 1 of the appeals on the proposed Southland Water and Land Plan (**pSWLP**).
- 2 As requested by the Registry, the parties have conferred regarding joint expert conferencing on Policy 30 and Rule 78, specifically:
  - (a) The witnesses' availability on 8 to 12 May 2023 and 15 to 18 May 2023;
  - (b) The time required for the conferencing; and
  - (c) Preferred location for conferencing to take place (noting the court's preference would be Christchurch).

**Availability**

- 3 The parties have advised the following availability for their experts:
  - (a) Matthew McCallum-Clark (planning) – unavailable on 10-11 May and available on 15-18 May.
  - (b) Linda Kirk (planning) – available on all dates.
  - (c) Treena Davidson (planning) – available on 15-18 May only.
  - (d) Ben Farrell (planning) – unavailable on all dates.
  - (e) Sue Ruston (planning) – available on 8-12 May and 15-18 May (excluding the morning of 17 May).
  - (f) Kate McArthur (ecology) – available on 8-11 May or 19 May.
  - (g) Greg Burrell (ecology) – available on 15 May (noting that he has some flexibility if required).
  - (h) Emily Funnell (ecology) – available on 15-18 May only.
  - (i) Jane Kitson (environmental science/mātauranga Māori) – available on 15-18 May only.
  - (j) Ailsa Cain (culture & policy) – available on 15-18 May only.

**Time required**

- 4 It is difficult to estimate the time required given the uncertainty raised by the High Court appeal filed after the directions were made at the pre-

hearing conference, and the subsequent Minute of the Court regarding a possible partial recall of the Sixth Interim Decision.

- 5 Notwithstanding that, the Council considers that 1-2 days may be required.<sup>1</sup> It is expected that the most efficient course of action would be for one day (15 May) to be used to discuss the wording of the provisions, and a further day (18 May) be used to finalise the section 32AA analysis of those provisions (which will have been drafted in the intervening time).

**Location**

- 6 The preferred location for the conference is online (by AVL).

**Other matter**

- 7 It is noted for completeness that, as a consequence of the High Court appeal filed by Federated Farmers, and the subsequent Minute dated 18 April 2023, parties may seek to vacate the expert conference should the parts of the Sixth Interim Decision relating to Policy 30 and Rule 78 be recalled, or a stay applied for.

**DATED** this 26<sup>th</sup> day of April 2023



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**P A C Maw / I F Edwards**  
Counsel for the Southland Regional Council

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<sup>1</sup> For completeness, counsel for the Director-General of Conservation considered that 2-3 days may be required, and counsel for Ngā Rūnanga considers that 1 day would be required.