

**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 TRANCHE 3 HEARING SCHEDULE**

**17 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 3 of the appeals on the proposed Southland Water and Land Plan (**pSWLP**).
- 2 Pursuant to the Directions dated 6 April 2023, Counsel for the Council has conferred with the parties and prepared an updated hearing schedule for the resumed Tranche 3 hearing. This is attached as **Appendix A**.
- 3 Counsel notes for completeness that some parties proposed (or supported the proposition) that Ms Kirk be called directly after Ms Davidson, given Ms Kirk has indicated that she considers either restricted discretionary or discretionary could be appropriate and the remaining witnesses all support a discretionary status (or in the case of Mr McCallum-Clark, do not express a position).
- 4 Counsel for the Director-General of Conservation objected to Ms Kirk being called after Ms Davidson for the following reasons:
 

Ms Kirk's position currently is that she does not have a preference and is comfortable with either a restricted discretionary activity or discretionary activity for Rule 52A. In her capacity as an independent expert she also comments on Policy 26, noting the Director-General is not a party to appeals on this policy.

Ms Kirk's evidence will be better informed and of greater assistance to the Court if she is able to hear and comment on the evidence of both those witnesses who prefer the restricted activity and those who prefer the fully discretionary rule.
- 5 The Council does not take a position as to when Ms Kirk should be called.

**DATED** this 17<sup>th</sup> day of April 2023



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

**Appendix A - Hearing Schedule for Tranche 3 (resumed hearing)**

Hearing Dates	Party	Witness		Party/Counsel	Time Allowed
Day 1 Tue 18 April 2023	<b>Planners</b>				
	<b>Meridian</b>	Jane Whyte	Led by Stephen Christensen		
			Cross-Examination	SRC (Philip Maw)	60 minutes
				Ngā Rūnanga (James Winchester)	10 minutes
				F&B (May Downing / Peter Anderson)	30 minutes
				Aratiatia (Douglas Allan)	20 minutes
				F&G (Sally Gepp)	40 minutes
				Waiau Rivercare (Riki Donnelly)	15 minutes
				DG (Pene Williams)	10 minutes
			Questions from the Court		45 minutes
<b>Ngā Rūnanga</b>	Treena Davidson	Led by James Winchester			

Hearing Dates	Party	Witness		Party/Counsel	Time Allowed
			Cross-Examination	SRC (Philip Maw)	30 minutes
				Meridian (Stephen Christensen)	10 minutes
				F&B (May Downing / Peter Anderson)	30 minutes
				Aratiatia (Douglas Allan)	15 minutes
				F&G (Sally Gepp)	20 minutes
				Waiau Rivercare (Riki Donnelly)	10 minutes
				DG (Pene Williams)	10 minutes
				Mr English (Kristy Rusher)	10 minutes
<b>Day 2</b> <b>Wed 19 April 2023</b>	<b>Forest and Bird</b>	Natasha Sitarz	Questions from the Court		45 minutes
			Led by May Downing / Peter Anderson		
			Cross-Examination	SRC (Philip Maw)	15 minutes

Hearing Dates	Party	Witness		Party/Counsel	Time Allowed	
				Meridian (Stephen Christensen)	30 minutes	
				Aratiatia (Douglas Allan)	5 minutes	
				DG (Pene Williams)	10 minutes	
			Questions from the Court	45 minutes		
		<b>Aratiatia</b>	Claire Jordan	Led by Douglas Allan		
				Cross-Examination	SRC (Philip Maw)	15 minutes
					Ngā Rūnanga (James Winchester)	15 minutes
					Meridian (Stephen Christensen)	30 minutes
					F&B (May Downing / Peter Anderson)	5 minutes
					F&G (Sally Gepp)	20 minutes
					DG (Pene Williams)	10 minutes

Hearing Dates	Party	Witness		Party/Counsel	Time Allowed	
				Mr English (Kristy Rusher)	10 minutes	
			Questions from the Court		45 minutes	
			<b>Southland Fish and Game</b>	Ben Farrell <sup>1</sup>	Led by Sally Gepp	
					Cross-Examination	SRC (Philip Maw)
<b>Day 3 Thu 20 April 2023</b>				Meridian (Stephen Christensen)	30 minutes	
				F&B (May Downing / Peter Anderson)	5 minutes	
				Aratiatia (Douglas Allan)	5 minutes	
				DG (Pene Williams)	10 minutes	
			Questions from the Court		45 minutes	
			<b>Director General of Conservation</b>	Linda Kirk	Led by Pene Williams	

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<sup>1</sup> Mr Farrell is unavailable the morning of Wednesday 19 April.



Hearing Dates	Party	Witness		Party/Counsel	Time Allowed
			Cross-Examination	SRC (Philip Maw)	15 minutes
				Meridian (Stephen Christensen)	15 minutes
				F&B (May Downing / Peter Anderson)	5 minutes
				Aratiatia (Douglas Allan)	15 minutes
				F&G (Sally Gepp)	20 minutes
				Waiau Rivercare (Riki Donnelly)	15 minutes
				Mr English (Kristy Rusher)	10 minutes
			Questions from the Court		45 minutes
	<b>Southland Regional Council</b>	Matthew McCallum-Clark	Led by Philip Maw		
			Cross-Examination	Ngā Rūnanga (James Winchester)	15 minutes

Hearing Dates	Party	Witness	Party/Counsel	Time Allowed
Day 4 Fri 21 April 2023			Meridian (Stephen Christensen)	30 minutes
			F&B (May Downing / Peter Anderson)	30 minutes
			Aratiatia (Douglas Allan)	20 minutes
			F&G (Sally Gepp)	20 minutes
			Waiau Rivercare (Riki Donnelly)	15 minutes
			DG (Pene Williams)	10 minutes
			Questions from the Court	45 minutes
			<b>Closing submissions</b>	
		Closing submissions	Director-General of Conservation	
			Waiau Rivercare Group Incorporated	
			Southland Fish and Game Council	
			Mr English	
			Aratiatia Livestock Limited	

Hearing Dates	Party	Witness		Party/Counsel	Time Allowed
				Royal Forest and Bird Protection Society of New Zealand Incorporated	
				Meridian Energy Limited	
				Ngā Rūnanga	
				Southland Regional Council	