

**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)

*(Continued next page)*

---

**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL  
REGARDING COUNSEL AVAILABILITY**

**28 November 2022**

---

Judicial Officer: Judge Borthwick

---

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

**WYNN WILLIAMS**

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

**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**) in response to the Court's direction dated 25 November 2022.
- 2 Counsel for the Council are available on 9 December 2022, as is the Council's planning witness, Mr McCallum-Clark.
- 3 With regards to the alternative dates offered by the Court:
  - (a) 7–9 February 2023 – Counsel and Mr McCallum-Clark are available.
  - (b) 13–15 February 2023 – Counsel and Mr McCallum-Clark are available.
  - (c) 23–24 February 2023 – Counsel and Mr McCallum-Clark are available.

**A possible way forward**

- 4 Not all counsel are available on 9 December 2022. In particular, Counsel for Fish and Game, and Counsel for Ngā Rūnanga, are unavailable.
- 5 A possible way forward that would utilise the hearing time available on 13 to 15 December 2022 would involve Mr Donnelly (and other available counsel) cross-examining Ms Whyte on 9 December 2022. Ms Whyte would then need to be held over on her oath until the following week where Ms Gepp (and other remaining counsel) could continue with cross-examination.
- 6 An issue that arises with this possible way forward relates to Mr Donnelly previously having signalled that he wishes to cross-examine Ms Davidson. Counsel for Ngā Rūnanga, for whom Ms Davidson appears, is unavailable on 9 December 2022, and so Ms Davidson needs to be called the following week (when Mr Donnelly is unavailable).
- 7 I have discussed this situation with Mr Donnelly, and he has indicated that he may not need to cross-examine Ms Davidson. He will need to take instructions in that regard, but he is able to do so expeditiously if the Court is minded to proceed as set out above.

**DATED** this 28<sup>th</sup> day of November 2022

A handwritten signature in blue ink that reads "P. Maw". The signature is written in a cursive style.

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