

**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 SOUTHLAND REGIONAL COUNCIL  
REGARDING DATES FOR RESUMED HEARING**

**23 June 2022**

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Judicial Officer: Judge Borthwick

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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 respect of the appeals against the Council's decision on the proposed Southland Water and Land Plan.
- 2 By Minute dated 16 June 2022, the Court directed the Council to confer with the parties and report on the following:
  - (a) The dates counsel and Mr McCallum-Clark are available to attend the resumed hearing.
  - (b) An estimation of the total hearing time required.
- 3 Counsel has liaised with the parties regarding their availability on the dates provided by the Court and the estimated time required for their closing submissions.

**Hearing time required**

- 4 On the basis of the responses received from counsel, approximately two days are required for closing submissions.
- 5 In addition to that, Counsel for the Council estimates that up to a day will be required for Mr McCallum-Clark to present and answer questions on the section 32AA report he is to prepare.
- 6 Accordingly, in addition to 6-8 July, three further hearing days are required.

**Dates for resumption of hearing**

- 7 Based on the unavailability advised, there is not a clear date for the final three hearing days. The spreadsheet in **Appendix A** sets out when counsel are available/unavailable and the reasons why, where a reason was provided.
- 8 On the basis of counsel's availability, Counsel for the Council suggests that Mr McCallum-Clark be called on 4 August (to present his section 32AA report and answer questions), with closing submissions to follow on 8 and 9 August. However, it is noted that Mr Christensen for Ravensdown is otherwise engaged in another Environment Court hearing during 4, 8, and 9 August.

**Remaining directions relating to scope**

- 9 In addition to the above matters, in its 16 June Minute the Court directed the Council to report on the date it will file supplementary submissions on the law of scope, and the date for parties notifying the Court and parties of challenges to scope.
- 10 Counsel for the Council respectfully seeks leave to file the full suite of proposed directions setting out the procedure for the remainder of the Tranche 1 hearing once the final dates for the hearing have been confirmed. This will ensure that there is no unnecessary pressure put on witnesses and counsel to prepare positions and submissions earlier than is necessary.

**DATED** this 23<sup>rd</sup> day of June 2022



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**P A C Maw / A M Langford**  
Counsel for the Southland Regional Council

**Appendix A – Counsel Availability**