

**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 DR MONAGHAN'S ATTENDANCE AT THE ALL OF PARTIES
HEARING
11 March 2022**

Judicial Officer: Judge Borthwick

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

WYNNWILLIAMS

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.

Background

- 2 On 8 February 2022, Counsel filed a Memorandum setting out the parties' positions on the matters addressed in the 10 December 2021 Planning Joint Witness Statement (**10 December JWS**). This Memorandum indicated, for a number of provisions, that all interested parties agreed with the outcome for provisions set out in the 10 December JWS.
- 3 In the Record of Pre-Hearing Conference dated 15 February 2022, the Court directed that, if the planners rely on technical expert evidence to inform the agreed amendments to the provisions, further evidence is required from those technical experts.¹
- 4 On 18 February 2022, Counsel filed a Memorandum identifying the technical witnesses the planners relied on to inform the agreed provisions.

Dr Monaghan's attendance at the all of parties hearing

- 5 One of the technical experts identified in the 18 February 2022 Memorandum was Dr Ross Monaghan.
- 6 Dr Monaghan's expertise was considered necessary to support matters relating to critical source area management, setbacks, and intensive winter grazing. In particular, his expertise was relevant to the (then) agreed Policy 16.²
- 7 Since the 18 February Memorandum was filed, parties have filed their rebuttal evidence and memoranda setting out the final relief they seek. It is now apparent, on the basis of that evidence and those memoranda, that the provisions where full agreement has been reached has narrowed. Counsel filed a Memorandum on 7 March 2022 which set out

¹ Record of Pre-Hearing Conference dated 15 February 2022 at [10] and [11].

² Policy 16 was identified in the Memorandum dated 8 February 2022 as being agreed as between the parties.

at Appendix A the limited matters on which parties are still agreed and which are to be considered at the all of parties hearing.

- 8 Dr Monaghan's evidence and expertise is not relevant to the matters set out in Appendix A to the 7 March Memorandum. On the basis that his evidence will not be of use to the Court in the all of parties hearing, Counsel seeks leave for Dr Monaghan to be excused from attending the all of parties hearing.
- 9 For the avoidance of doubt, Counsel confirms that Dr Monaghan will be called by the Council to give evidence in relation to the matters which remain in dispute during the disputed provisions hearing.

DATED this 11th day of March 2022



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