

**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)

*(Continued next page)*

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**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL  
PROPOSING CHANGE TO EVIDENCE EXCHANGE TIMETABLE FOR  
TRANCHE 3**

**6 May 2022**

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Judicial Officer: Judge Borthwick

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**WYNNWILLIAMS**

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**ARATIATIA LIVESTOCK LIMITED**  
(ENV-2018-CHC-29)

**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 Tranche 3 of the appeals against the Council's decision on the proposed Southland Water and Land Plan.
- 2 By Minute dated 21 March 2022, the Court issued an evidence exchange timetable for Tranche 3. Pursuant to that timetable, evidence is due between 27 May and 17 June. This period overlaps with the remaining Tranche 1 hearing days, and also overlaps with another environment court process which Council's planning witness is involved in.
- 3 In light of the changed date for the Tranche 3 hearing (now to commence on 17 October rather than 15 August), the Council seeks to have the evidence exchange timetable amended to reflect this new hearing date and alleviate the pressure on witnesses of preparing evidence while participating in other hearings.
- 4 Counsel for the Council has liaised with the Tranche 3 parties regarding an amended timetable. Those parties from whom a response was received<sup>1</sup> either supported, or expressed no issue with, the proposed amended timetable set out in **Appendix 1**.
- 5 This amended timetable generally follows the framework of the existing timetable (in terms of time allowed for/between each step) except for two deviations:
  - (a) A longer period of time is allowed between the filing of appellant evidence and section 274 evidence. This is due to a clash between what would otherwise have been the filing date for section 274 evidence (5 August) and two hearings which counsel for an appellant is involved in. To avoid those hearings, the section 274 parties' evidence, and all subsequent steps, is pushed back by two weeks.
  - (b) Due to the above change, the length of time between the Joint Witness Statement(s) (or reply evidence if no conferencing occurs)

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<sup>1</sup> A response was not received for Aratiatia Livestock Limited, Owen Buckingham, Hamish English, Robert Kempthorne, or Murray & Tania Willans.

being filed and the commencement of the hearing is reduced to two weeks (rather than four as currently provided).

- 6 For the reasons set out above, Counsel for the Council respectfully seeks that the evidence exchange timetable for Tranche 3 be amended as set out at **Appendix 1**.

**DATED** this 6<sup>th</sup> day of May 2022



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

## Appendix 1

Step	Current date	Proposed new date
Evidence timetable		
Evidence-in-chief for the appellants to be filed and served	27 May	29 July
Evidence-in-chief for s274 parties to be filed and served	3 June	19 August
Evidence-in-chief for the Regional Council to be filed and served	17 June	2 September
Expert conferencing		
Parties to file joint memo reporting on topics referred to expert conferencing (if any)  File draft agenda (if Commissioner is to be appointed)	24 June	9 September
Expert witness conferencing of technical witnesses, and planners to take place	Week commencing 4 July	Week commencing 19 September
Joint witness statements of technical witnesses and planners to be filed, <b>or</b> if no expert conferencing takes place evidence in reply may be filed	15 July	30 September
Hearing to commence in Christchurch		
Tranche 3 hearing	Week commencing 17 October	Week commencing 17 October