

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14 of the First Schedule of the Act

BETWEEN **SOUTHWOOD EXPORT LIMITED, KODANSHA TREE FARM NEW ZEALAND LIMITED AND SOUTHLAND PLANTATION FOREST COMPANY OF NEW ZEALAND LIMITED (ENV-2018-CHC-046)**

Appellants

AND **SOUTHLAND REGIONAL COUNCIL**

Respondent

AND **CAMPBELL'S BLOCK
S 274 PARTIES**
(as continued on next page)

MEMORANDUM OF COUNSEL FOR APPELLANTS

Dated: 25 November 2021

**AWS LEGAL
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AND PETER CHARTRES

AND DIRECTOR-GENERAL OF CONSERVATION

AND FEDERATED FARMS OF NEW ZEALAND

AND ROBERT GRANT

AND RAYONIER NEW ZEALAND LIMITED

**AND ROYAL FOREST AND BIRD PROTECTION SOCIETY
OF NEW ZEALAND INCORPORATED**

AND STONEY CREEK STATION

AND THE TERRACES LIMITED

MAY IT PLEASE THE COURT

- 1 This memorandum is in respect of the expert witness conference for the topic B5 – plantation forestry which is scheduled to occur on Monday 29 November 2021.
- 2 The appellants and respondent have been in discussions regarding the resolution of this appeal. The appellants have also been in discussion with counsel for the s274 parties to this appeal.
- 3 Significant progress in resolving the appeal points has been made, although on Monday 22 November, it became clear that it would not be possible to resolve every matter in dispute through further discussions between counsel.
- 4 Engagement to date has resulted in a significant narrowing of the issues in dispute. There is a residual issue as regards the management of windrowing activities which remains unresolved. Those matters do appear reasonably capable of resolution.
- 5 The Appellants have two experts that are available to assist in the resolution of the remaining issues in dispute in this appeal:
 - (i) Graeme Manley – an experienced forester;
 - (ii) Sally Strang – an environmental manager;
- 6 Ms Strang was not available to attend a conference on the originally proposed date, but has become available to attend on the date set by the Court. She has an extensive background in forestry and also a background in pastoral farming which will be of assistance in resolving the remaining appeal points.
- 7 The respondent has not advised any objection to participation in the conference provided “will say statements” are available at short notice.
- 8 The Rayonier New Zealand Limited, a section 274 party to this appeal, consents to the filing of “Will Say Statements” at short notice and the participation of both experts at this expert conference.
- 9 The remaining section 274 parties to this appeal have not filed expert witness statements on this particular topic and have indicated they may not attend the expert witness conference on this topic.

Directions sought

10 The Appellant therefore seeks the leave of the Court to permit:

- (i) Filing of "Will Say" statements from Mr Graeme Manley and Ms Sally Barker Strang;
- (ii) Participation of Ms Sally Barker Strang at the expert conference for the Plantation Forest topic.

DATED at Invercargill this 25th day of November 2021



K L Rusher
Counsel for Southwood Export Limited