

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOTHI 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 FEDERATED FARMERS OF NEW ZEALAND
(SOUTHLAND)

 (ENV-2018-CHC-40)

 FONTERRA CO-OPERATIVE GROUP LIMITED

 (ENV-2018-CHC-27)

 ARATIATIA LIVESTOCK LIMITED

 (ENV-2018-CHC-29)

 GORE DISTRICT COUNCIL, SOUTHLAND
DISTRICT COUNCIL & INVERCARGILL CITY
COUNCIL

 (ENV-2018-CHC-31)

 DAIRYNZ LIMITED

 (ENV-2018-CHC-32)

**INTERLOCUTORY APPLICATION SEEKING LEAVE FOR COUNSEL TO BE EXCUSED
FROM PART OF THE HEARING
(28 MAY 2019)**

Judicial Officers: Judge Borthwick

DIRECTOR-GENERAL OF CONSERVATION

(ENV-2018-CHC-36)

SOUTHLAND FISH & GAME COUNCIL 2

(ENV-2018-CHC-37)

MERIDIAN ENERGY LIMITED

(ENV-2018-CHC-38)

ALLIANCE GROUP LIMITED

(ENV-2018-CHC-39)

HERITAGE NEW ZEALAND POHERE TAONGA

(ENV-2018-CHC-41)

TE RUNANGA O NGAI TAHU, HOKONUI
RUNAKA, WAIHOPAI RUNAKA, TE RUNANGA O
AWARUA & TE RUNANGA O ORAKA APARIMA

(ENV-2018-CHC-47)

ROYAL FOREST AND BIRD PROTECTION
SOCIETY OF NZ

(ENV-2018-CHC-50)

Appellants

AND

SOUTHLAND REGIONAL COUNCIL

Respondent

May it Please the Court:

1. The Court's minute of 5 March 2019 directed that counsel wishing to be excused from attending the full duration of the Topic A hearings seek leave of the Court.
2. The purpose of this application is to seek leave for counsel to be excused from the hearing from 3pm Friday afternoon June 14th to allow counsel to catch a flight to Auckland to attend a New Zealand Bar Association course commencing 8.30am Saturday morning June 15th.

Federated Farmers

3. Witnesses scheduled to be cross-examined on Friday June 14th are Mr Horrell for Waiau Rivercare Group, Mr Marshall and Ms Jordan for Aratiatia Livestock, and Messrs Richards and Kyle for Alliance Group.
4. Mr Sycamore, the planning witness for Federated Farmers, is in general agreement in relation to those provisions the above parties are interested in. Federated Farmers does not intend to cross examine any of the above witnesses.
5. Mr Sycamore will remain in Court Friday June 14th until the hearing is finished for the day.

Horticulture NZ

6. By Memorandum dated 27 May 2019, Horticulture NZ (**HortNZ**) advised the Court Ms Lenihan would attend the hearing on its behalf when counsel for HortNZ is absent.
7. For the short period Ms Lenihan seeks leave on Friday 14th June, it is understood HortNZ planning witness, Lynette Wharfe, and Alliance's witness, John Kyle, are generally in agreement in relation to those provisions both parties are interested in. There is no cross examination of Mr Kyle requested on behalf of HortNZ.
8. HortNZ has advised it is supportive of the requested leave to be excused.



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Clare Lenihan
Counsel for the Appellant