

**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 TRANSPOWER NEW ZEALAND LIMITED
(ENV-2018-CHC-26)
... (continued on last page)
Appellants
AND SOUTHLAND REGIONAL COUNCIL
Respondent

**MINUTE OF THE ENVIRONMENT COURT
(5 April 2019)**

[1] The bench has considered the proposed hearing schedule.¹

[2] I understand the Regional Council's difficulty in proposing a schedule for the hearing, given that the parties do not know yet what witnesses are required for cross-examination.

[3] We are happy to take the evidence called in the order proposed by the parties but wonder whether the Regional Council should have a further opportunity at the end of the evidence to respond to any matters arising during the hearing?

[4] The parties will be required to confer and file a list of persons required for cross-examination. What are the parties' views on limiting cross-examination to a maximum of 20 minutes per witness for each counsel examining?



¹ Regional Council's Memorandum dated 2 April 2019.

Parties calling evidence

[5] The court would be greatly assisted were each party to provide an overview of the key issues for determination (10 minutes maximum). Ideally, this would follow-on from the Regional Council's opening (to be given in full) so that the court would be alert to the purpose of subsequent cross-examination. If counsel wish to revisit what they said in their opening, prior to hearing the evidence called in support of their clients, they may do so (5 minutes maximum).

[6] We will seek the parties' views on whether they wish to present a full opening and closing, or just full closing as proposed by the Regional Council. A closing may be sufficient provided that the parties highlight those matters they would like the court to determine and which are central to their interest in these proceedings.

Parties not calling evidence

[7] As for those parties who are not calling evidence, they too will be required to set out the key issues for determination at the commencement of the hearing together with a full closing. It is important that the court be fully apprised of their interests in these proceedings. We suggest their closing submissions be given once all the evidence has been heard.

Closing submissions

[8] Closing submissions² will be given in court.

Length of hearing

[9] The parties will alert the court as soon as they become concerned that the two weeks allowed for the hearing is insufficient.

² Hard copies of all submissions are to be provided.



Directions

[10] I direct:

- (a) by Friday **26 April 2019** the Regional Council, having conferred with the other parties, is to report to the court confirming:
 - (i) the order of parties and schedule of witnesses; and
 - (ii) support for an opening and closing submissions as outlined by the court above; and
- (b) their views as to the suggested limitation of cross-examination to 20 minutes per witness per counsel (and if any adjustments proposed, advising how such adjustments will not create a timing risk);
- (c) by **Friday 24 May 2019**, the Regional Council, having conferred with the other parties, will confirm the witnesses required for cross-examination noting the party (and counsel) seeking to cross-examine and
- (d) leave is reserved for the parties to apply for further directions.



J E Borthwick
Environment Judge



Issued: 5 April 2019

List of appellants

ENV-2018-CHC-27	Fonterra Co-Operative Group Ltd
ENV-2018-CHC-28	Horticulture New Zealand
ENV-2018-CHC-29	Aratiatia Livestock Limited
ENV-2018-CHC-30	Wilkins Farming Co
ENV-2018-CHC-31	Gore District Council, Southland District Council and Invercargill City Council
ENV-2018-CHC-32	DairyNZ Limited
ENV-2018-CHC-33	H W Richardson Group Limited
ENV-2018-CHC-34 & 35	Beef + Lamb New Zealand
ENV-2018-CHC-36	Director-General of Conservation
ENV-2018-CHC-37	Southland Fish & Game Council
ENV-2018-CHC-38	Meridian Energy Limited
ENV-2018-CHC-39	Alliance Group Limited
ENV-2018-CHC-40	Federated Farmers of New Zealand
ENV-2018-CHC-41	Heritage New Zealand Pouhere Taonga
ENV-2018-CHC-42	Stoney Creek Station Limited
ENV-2018-CHC-43	The Terraces Limited
ENV-2018-CHC-44	Campbell's Block Limited
ENV-2018-CHC-45	Robert Grant
ENV-2018-CHC-46	Southwood Export Limited, Southland Plantation Forest Company of NZ, Southwood Export Limited
ENV-2018-CHC-47	Te Rūnanga o Ngāi Tahu, Hokonui Rūnaka, Waihopai Rūnaka, Te Rūnanga o Awarua & Te Rūnanga o Oraka Aparima
ENV-2018-CHC-48	Peter Chartres
ENV-2018-CHC-49	Rayonier New Zealand Limited
ENV-2018-CHC-50	Royal Forest and Bird Protection Society of NZ Inc

