

**IN 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 DAIRYNZ LIMITED AND
FONterra CO-OPERATIVE GROUP LIMITED**

31 May 2019

Next event date 4 June 2019

Judicial Officer Judge Borthwick

Solicitor acting:
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Counsel instructed:
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WILKINS FARMING CO

(ENV-2018-CHC-30)

**GORE DISTRICT COUNCIL, SOUTHLAND DISTRICT COUNCIL
& INVERCARGILL DISTRICT 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)

STONY CREEK STATION LIMITED

(ENV-2018-CHC-42)

THE TERRACES LIMITED

(ENV-2018-CHC-43)

CAMBELL'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 NGĀI 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

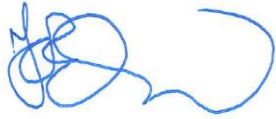
Respondent

MAY IT PLEASE THE COURT

- 1 This memorandum is filed on behalf of DairyNZ Limited (**DairyNZ**) and Fonterra Co-operative Group Limited (**Fonterra**) who both lodged appeals against parts of the Southland Regional Council's decision on the proposed Southland Water and Land Plan.
- 2 This memorandum relates to the Topic A hearing scheduled to commence on 4 June 2019, of which DairyNZ and Fonterra are interested parties under section 274 of the Resource Management Act 1991 (**RMA**).
- 3 By memorandum dated 8 May 2019, Counsel sought leave for senior Counsel, Bal Matheson to be excused from part of the hearing. The Court, by email on 10 May 2019, directed that:

Leave is granted for Mr B Matheson, counsel for DairyNZ and Fonterra to deliver a brief opening on Tuesday 4 June 2019, and to be excused from the hearing from Wednesday 5 June to Friday 7 June 2019.
- 4 Following receipt and review of the Joint Witness Statement from the water quality scientists, the rebuttal evidence from a number of parties (including the Southland Regional Council), and after discussions with other Counsel, the issues of concern to DairyNZ and Fonterra have been significantly narrowed. DairyNZ and Fonterra accordingly respectfully request that:
 - 4.1 Mr Matheson attend to provide the opening on 4 June, and then for the presentation of DairyNZ and Fonterra's case, but that he is otherwise excused from the hearing (noting that Ms Brown will remain representing both companies for the entirety of the hearing); and
 - 4.2 The cross-examination schedule be amended to remove the proposed cross-examination by Counsel for DairyNZ and Fonterra of Ben Farrell (Forest and Bird and Fish and Game) and Linda Kirk (Director General of Conservation).
- 5 Although DairyNZ and Fonterra's case is not currently scheduled to be heard until Tuesday 18 June 2019, Counsel considers that the hearing may move more quickly than that. If that were to happen, and as previously advised, Mr Gerard Willis is attending and presenting at an international conference and is not due back in New Zealand until early on the 11 June 2019. Accordingly, he is unlikely to be able to be in Invercargill until Thursday, 13 June 2019.
- 6 This is a joint memorandum on behalf of both 274 parties. This memorandum has been approved by Counsel for Fonterra prior to filing.

Dated 31 May 2019

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke at the end.

Katherine Forward
Solicitor for DairyNZ Limited

Jason Sandford
Solicitor for Fonterra Co-operative Group Limited