

**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
(30 April 2019)**

[1] The court has considered the reporting memorandum dated 26 April 2019.

[2] Parties are to note that due to his commitments on the Queenstown proposed District Plan, Judge Hassan will no longer be co-managing these proceedings.

[3] At paragraph [4] of the memorandum counsel enquire whether the court is proposing that the Regional Council have an additional opportunity to give further evidence and/or legal submissions. The court had in mind the former (as the Regional Council is to give a full closing). The suggestion was made because the hearing is not proceeding in the order of specialist topics but in order of the parties. On that basis, the parties are to confer and respond.

Pre-reading

[4] As the court is concerned that it has insufficient time for pre-reading I will amend the directions for the Regional Council to file in court hard copies of the evidence-in-chief only by 10 May 2019.



[5] The Regional Council will liaise with my hearing manager Emma Sprott as to the postal details for Commissioners Dunlop and Bartlett who are sitting, together with myself, on this hearing. The evidence will need to be sent to their chambers directly.

Cross-examination schedule and order of hearing

[6] The parties have not agreed to limit cross-examination to 20 minutes. As I have no wish to get bogged down with applications for leave seeking to extend the limit prior to the hearing, I will instead direct all parties to provide an informed estimate of the time required for each witness to be cross-examined. The court expects this estimate will be respected, save in extraneous circumstances, such as the court finding a witness unco-operative, where leave to extend cross-examination may be sought.

[7] The estimate is to be included in the cross-examination schedule to be filed by **Friday 24 May 2019**.

[8] The cross-examination schedule will allow 45 minutes per expert witness for the court's questions.

[9] When responding to the directions on cross-examination the Regional Council is to file an updated memorandum setting out the order of parties and schedule of witnesses, excluding the Oil Companies.

Length of hearing

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

Opening and closing addresses

[11] I confirm the Regional Council is to open in full, with all other parties to follow, then to provide an overview of the key issues for determination (10 minutes maximum). At the commencement of their individual appeals, and prior to evidence being called, counsel/parties may revisit what they said in their overview (5 minutes maximum).

[12] All parties may give a closing submission at the end of evidence called in support of their appeal or, with leave of the court, at the end of the hearing.



[13] Opening and closing addresses will be given in court.

Directions

[14] I direct:

- (a) the Council is to file five (5) tabbed, indexed and paginated hard copies of all evidence-in-chief (including exhibits) with the court by **Friday 10 May 2019**; and
- (b) joint expert witness statements are to be signed at the end of each conference unless otherwise agreed by the Commissioner and filed by **Friday 10 May 2019**;
- (c) rebuttal evidence for the appellants to be filed and served by **Wednesday 15 May 2019**;
- (d) rebuttal evidence for the section 274 parties is to be filed and served by **Monday 20 May 2019**;
- (e) rebuttal evidence for the Council is to be filed and served by **Monday 27 May 2019**;
- (f) by **Friday 24 May 2019**, the Regional Council, having conferred with the other parties, will:
 - (i) confirm the witnesses required for cross-examination noting the party (and counsel) seeking to cross-examine; and
 - (ii) respond to the matter raised at paragraph [3] above.
- (g) leave is reserved for the parties to apply for further directions.


J E Borthwick
Environment Judge



Issued: 30 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

