

**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 LIMITED

(ENV-2018-CHC-27)

HORTICULTURE NEW ZEALAND

(ENV-2018-CHC-28)

ARATIATIA LIVESTOCK LIMITED

(ENV-2018-CHC-29)

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**MEMORANDUM OF COUNSEL FOR THE DAIRY INTERESTS
REGARDING SUPPLEMENTARY EVIDENCE AND THE
PRESENTATION OF EVIDENCE IN SUPPORT OF THE JWS
AGREED PROVISIONS**

1 April 2022

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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)

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 joint Memorandum is filed on behalf of DairyNZ Limited and Fonterra Co-operative Group Limited (**the Dairy Interests**) responding to the recent matters raised by the Court in its Minute of 25 March (Timetable directions) and 28 March (JWS evidence).

Supplementary Evidence

- 2 The Court's 25 March Minute directed parties intending to file supplementary evidence to advise the Court of this by 1 April, identifying witness(es) by discipline.
- 3 The Dairy Interests may wish to file supplementary evidence in reply from Mr Willis (planning) relating to Mr McCallum-Clark's supplementary evidence on Policies 15A, 15B and 16A, which is to be filed by 6 April 2022.
- 4 The Dairy Interest may also wish to file supplementary evidence in reply from Mr Willis (planning) and Dr Depree (water quality) relating to supplementary evidence prepared by Forest & Bird and Fish & Game in relation to Rule 13.
- 5 In accordance with the Court's directions, any supplementary evidence in reply from Mr Willis will be filed 2 working days before he is scheduled to be called.
- 6 Based on the current hearing schedule, the proposed evidence exchange timetable presents a challenge for the filing of supplementary evidence by Dr Depree; as the evidence of Forest & Bird and Fish & Game in relation to Rule 13 is to be filed on Friday 8 April, and Dr Depree is scheduled to present evidence on Wednesday 13 April. This would require Dr Depree to file any supplementary evidence on Monday 11 April (leaving only the weekend to review and prepare evidence). It is respectfully submitted that this timeframe is inappropriate. The Dairy interests seek alternate directions and suggest that this is addressed in the next iteration of the hearing schedule that Counsel understands Counsel for the Regional Council are working to produce.

Mr McCallum Clark to be led through the agreed JWS provisions

- 7 The Court's 28 March Minute directs parties to respond if they oppose the Court's proposal for Mr McCallum Clark to be led through the agreed JWS provision amendments at the disputed provisions hearing. The Dairy Interests are comfortable with this proposal but reserve the right to have Mr Willis present

oral evidence on these provisions as required when he is called later in the hearing schedule.

Dated 1 April 2022



Katherine Forward

Solicitor for DairyNZ Limited and on behalf of Counsel for Fonterra Co-operative Group Limited.

