

## Kate McKinlay

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**To:** Alyssa Langford  
**Subject:** RE: pSWLP - Memorandum of Counsel and Evidence in Chief for Rayonier New Zealand Ltd

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**From:** Brownlee, Maddy <[Maddy.Brownlee@justice.govt.nz](mailto:Maddy.Brownlee@justice.govt.nz)>

**Sent:** Tuesday, 21 December 2021 10:19 AM

**To:** Chris Fowler <[Chris.Fowler@adderleyhead.co.nz](mailto:Chris.Fowler@adderleyhead.co.nz)>; Alyssa Langford <[Alyssa.Langford@wynnwilliams.co.nz](mailto:Alyssa.Langford@wynnwilliams.co.nz)>; Amelia Ching <[aching@doc.govt.nz](mailto:aching@doc.govt.nz)>; 'Ben Farrell' <[ben@jea.co.nz](mailto:ben@jea.co.nz)>; [ben.williams@chapmantripp.com](mailto:ben.williams@chapmantripp.com); Bronwyn Carruthers <[bcarruthers@shortlandchambers.co.nz](mailto:bcarruthers@shortlandchambers.co.nz)>; Camilla Owen <[COWen@heritage.org.nz](mailto:COWen@heritage.org.nz)>; [carmen@planzconsultants.co.nz](mailto:carmen@planzconsultants.co.nz); Chris Thompson <[cthomsen@fvm.co.nz](mailto:cthomsen@fvm.co.nz)>; Dave Harrison <[Dave.Harrison@beeflambnz.com](mailto:Dave.Harrison@beeflambnz.com)>; 'David Pullar' <[dpullar@xtra.co.nz](mailto:dpullar@xtra.co.nz)>; dean <[dean@environmentalbarrister.co.nz](mailto:dean@environmentalbarrister.co.nz)>; 'Douglas Allan' <[dallan@ellisgould.co.nz](mailto:dallan@ellisgould.co.nz)>; [engliston@gmail.com](mailto:engliston@gmail.com); Humphrey Tapper <[Humphrey.Tapper@MeridianEnergy.co.nz](mailto:Humphrey.Tapper@MeridianEnergy.co.nz)>; 'Jacob Smyth' <[jacob.smyth@southlandfishgame.co.nz](mailto:jacob.smyth@southlandfishgame.co.nz)>; James Winchester <[james.winchester@simpsongrierson.com](mailto:james.winchester@simpsongrierson.com)>; [jason.sandford@fonterra.com](mailto:jason.sandford@fonterra.com); Jessica Ottowa' <[jessica.ottowa@duncancotterill.com](mailto:jessica.ottowa@duncancotterill.com)>; Karen Wilson <[Karen.Wilson@hobec.co.nz](mailto:Karen.Wilson@hobec.co.nz)>; [katherine.forward@duncancotterill.com](mailto:katherine.forward@duncancotterill.com); Kristy Rusher <[Kristy.Rusher@awslegal.co.nz](mailto:Kristy.Rusher@awslegal.co.nz)>; Laura Murphy <[Laura.Neale@hobec.co.nz](mailto:Laura.Neale@hobec.co.nz)>; Linda Kirk <[lkirk@doc.govt.nz](mailto:lkirk@doc.govt.nz)>; Mark Christensen <[mark@naturalresourceslaw.co.nz](mailto:mark@naturalresourceslaw.co.nz)>; [matheson@richmondchambers.co.nz](mailto:matheson@richmondchambers.co.nz); Meg Buddle <[Meg.Buddle@adderleyhead.co.nz](mailto:Meg.Buddle@adderleyhead.co.nz)>; Megan Exton <[Megan.Exton@hobec.co.nz](mailto:Megan.Exton@hobec.co.nz)>; [michael.garbett@al.nz](mailto:michael.garbett@al.nz); 'Michael Morris' <[Michael.Morris@icc.govt.nz](mailto:Michael.Morris@icc.govt.nz)>; Murray Willans <[murray.tarn@xtra.co.nz](mailto:murray.tarn@xtra.co.nz)>; [natasha.garvan@bellgully.com](mailto:natasha.garvan@bellgully.com); [p.anderson@forestandbird.org.nz](mailto:p.anderson@forestandbird.org.nz); Peter Wilson <[pwilson@fedfarm.org.nz](mailto:pwilson@fedfarm.org.nz)>; Philip Maw <[philip.maw@wynnwilliams.co.nz](mailto:philip.maw@wynnwilliams.co.nz)>; [rex.chapman@cplaw.co.nz](mailto:rex.chapman@cplaw.co.nz); 'Richard Gardner' <[rgardner@fedfarm.org.nz](mailto:rgardner@fedfarm.org.nz)>; R Zwaan <[r.zwaan@forestandbird.org.nz](mailto:r.zwaan@forestandbird.org.nz)>; [riki.donnely@prlaw.co.nz](mailto:riki.donnely@prlaw.co.nz); 'Rob Enright' <[rob@publiclaw9.com](mailto:rob@publiclaw9.com)>; 'Robert Kempthorne' <[rob.anna@farmside.co.nz](mailto:rob.anna@farmside.co.nz)>; Sal Lennon <[Sal.Lennon@simpsongrierson.com](mailto:Sal.Lennon@simpsongrierson.com)>; Sally Gepp <[sally@sallygepp.co.nz](mailto:sally@sallygepp.co.nz)>; 'Stephen Christensen' <[stephen@projectbarrister.nz](mailto:stephen@projectbarrister.nz)>; Sue Ruston <[sue@ppmconsulting.co.nz](mailto:sue@ppmconsulting.co.nz)>; [Tayla.crawford@bellgully.com](mailto:Tayla.crawford@bellgully.com); Tim Ensor <[TEnsor@tonkintaylor.co.nz](mailto:TEnsor@tonkintaylor.co.nz)>; Treena Davidson <[treenadavidson@aecltd.co.nz](mailto:treenadavidson@aecltd.co.nz)>; 'Waiau Rivercare Group' <[waiau.rivercare.group@gmail.com](mailto:waiau.rivercare.group@gmail.com)>; Zane Moss <[zane.moss@southlandfishgame.co.nz](mailto:zane.moss@southlandfishgame.co.nz)>; [cluisetti@fvm.co.nz](mailto:cluisetti@fvm.co.nz); [vanessa.hamm@hobec.co.nz](mailto:vanessa.hamm@hobec.co.nz)

**Subject:** pSWLP - Memorandum of Counsel and Evidence in Chief for Rayonier New Zealand Ltd

Good morning

I have referred the attached memorandum to Commissioner Dunlop who directs the following:

*In its Memorandum dated 20 December '21 Rayonier New Zealand Limited seeks leave to file combined expert evidence briefs on Topic B5 – Farming (as it relates to forestry) that address its interests as both an appellant and s274 party. Leave is sought because the approach does not accord with the court's directions in its 22 October '21 Record of Pre-Hearing Conference Timetable Directions (Topic B) at [17] and [18].*

*The application is dealt with by me because Judge Borthwick, who is on long service/annual leave until the end of January '22, has instructed that in her absence I am to deal with party requests for Topic B hearing directions. Further, I have been rostered to sit on the Topic B hearing commencing 14 March 2022.*

*In support of its application Rayonier notes that:*

- 1. The changes to Plan provisions it seeks by way of its appeal and s.274 notice are agreed in the expert witnesses' Forestry JWS; and more importantly perhaps*
- 2. Other s.274 parties will not be prejudiced by Rayonier having filed combined evidence statements 20 December '21 because this comfortably precedes the 4 February '22 due date for s.274 parties' evidence and they will, therefore, be appraised in advance of all Rayonier evidence.*

*I accept that the approach taken by Rayonier of serving combined appellant and s274 briefs of evidence on 20 December '21 avoids the potential prejudice to other s.274 parties, that concerned the court in its Record of PHC. The leave sought by Rayonier is **granted** accordingly.*

R M Dunlop  
Deputy Environment Commissioner  
21 December 2021

Kind regards  
Maddy



**Maddy Brownlee**

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**From:** Chris Fowler <[Chris.Fowler@adderleyhead.co.nz](mailto:Chris.Fowler@adderleyhead.co.nz)>  
**Sent:** Monday, 20 December 2021 4:54 p.m.

Good afternoon

Please find **attached** for filling and by way of service the following documents which we file on behalf of Rayonier New Zealand Ltd:

- Memorandum of Counsel for Rayonier New Zealand Ltd;
- Evidence in chief of Hamish Fitzgerald (forestry expert);
- Evidence in chief of Chris Phillips (soil erosion expert); and
- Evidence in chief of Jerome Wyeth (statutory planning expert).

Regards

**CHRIS FOWLER**  
Partner  
Mob 021 311 784



Our office will close for the Christmas break at 1 pm on Wednesday 22 December 2021 and will reopen on Monday 17 January 2022. For urgent assistance during this time please contact Paul Rogers (021 352 453) or Chris Fowler (021 311 784).



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