

## Kate McKinlay

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**From:** Brownlee, Maddy <Maddy.Brownlee@justice.govt.nz>  
**Sent:** Friday, 25 November 2022 2:52 PM  
**To:** Riki Donnelly; pwilliams@doc.govt.nz; Philip Maw; Kristy Rusher; Imogen Edwards; p.anderson@forestandbird.org.nz; m.downing@forestandbird.org.nz; Douglas Allan; Sally Gepp; James Winchester; Stephen Christensen; Sal Lennon; Humphrey Tapper  
**Subject:** pSWLP - Tranche 3  
**Importance:** High

Good afternoon

Judge Borthwick directs:

*Mr Donnelly has confirmed that he is engaged in another proceeding on the days that the hearing (Tranche 3 – MPS) was to resume. Ms Gepp and Mr Farrell are, however, unavailable on the January 2023 dates proposed by the court in its last Minute.*

*Mr Donnelly did not require all of the planning witnesses for cross-examination; he required Ms Whyte and Ms Davidson. If counsel and any planners supporting a RD rule are available on the 9 December, the hearing may be able to continue, as scheduled, in his absence.*

*Until the JWS is filed the parties will not know whether Ms Whyte and Ms Davidson continue to support a RDA rule. Nor will they know of Ms Kirk's views on the status of the rule, albeit the Director-General supports this status.*

*Mr Donnelly is directed to respond to the court today and confirm whether he is available on **9 December 2022** and secondly, whether the above course is acceptable to him. If he is, the other parties are to file memoranda on **Monday 28 November 2022** advising whether they are available on **9 December 2022**.*

### **2023 Hearing Dates**

*The court can offer provisional hearing dates of **7-9 February 2023**, however this is contingent on another case settling.*

*The court can offer firm fixture dates of:*

- **13-15 February**
- **23 + 24 February**

*However, this means I will be sitting back to back on other cases and this will impact the release of a decision.*

*All parties are to advise on **Monday 5 December 2022** as to their availability on the 2023 dates.*

*J E Borthwick  
Environment Judge  
25 November 2022*

Kind regards  
Maddy



**Maddy Brownlee**

Case/Hearing Manager

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