

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

UNDER The Resource Management Act 1991
(RMA)

IN THE MATTER Appeals under clause 14(1) of the First
Schedule of the Act in relation to the
Proposed Southland Water and Land Plan

BETWEEN **MERIDIAN ENERGY LIMITED**
Appellant

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

**MEMORANDUM OF COUNSEL FOR MERIDIAN ENERGY LTD REGARDING
CASE MANAGEMENT**

13 OCTOBER 2021

Judicial Officer: Judge Borthwick

Solicitor acting:

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FONTERRA CO-OPERATIVE LTD

(ENV-2018-CHC-27)

HORTICULTURE NEW ZEALAND

(ENV-2018-CHC-28)

ARATIATIA LIVESTOCK LTD

(ENV-2018-CHC-29)

WILKINS FARMING CO

(ENV-2018-CHC-30)

GORE AND SOUTHLAND DISTRICT COUNCILS, INVERCARGILL CITY COUNCIL

(ENV-2018-CHC-31)

DAIRYNZ LTD

(ENV-2018-CHC-32)

H W RICHARDSON GROUP LTD

(ENV-2018-CHC-33)

BEEF + LAMB NEW ZEALAND

(ENV-2018-CHC-34 AND 35)

DIRECTOR-GENERAL OF CONSERVATION

(ENV-2018-CHC-36)

SOUTHLAND FISH & GAME COUNCIL

(ENV-2018-CHC-37)

MERIDIAN ENERGY LTD

(ENV-2018-CHC-38)

ALLIANCE GROUP LTD

(ENV-2018-CHC-39)

FEDERATED FARMERS OF NEW ZEALAND

(ENV-2018-CHC-40)

HERITAGE NEW ZEALAND POHERE TAONGA

(ENV-2018-CHC-41)

STONEY CREEK STATION LTD

(ENV-2018-CHC-42)

THE TERRACES LTD

(ENV-2018-CHC-43)

CAMPBELL'S BLOCK LTD

(ENV-2018-CHC-44)

ROBERT GRANT

(ENV-2018-CHC-45)

SOUTHWOOD EXPORT LTD, SOUTHLAND PLANTATION FOREST COMPANY OF NZ

(ENV-2018-CHC-46)

TE RUNANGA O NGAI TAHU, HOKONUI RUNAKA, WAIHOPAI RUNAKA, TE RUNANGA O AWARUA AND TE RUNANGA O ORAKA APARIMA

(ENV-2018-CHC-47)

PETER CHARTRES

(ENV-2018-CHC-48)

RAYONIER NEW ZEALAND LTD

(ENV-2018-CHC-49)

ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NZ INC

(ENV-2018-CHC-50)

Appellants

AND SOUTHLAND REGIONAL COUNCIL

Respondent

MAY IT PLEASE THE COURT

- 1 This memorandum is filed on behalf of Meridian Energy Limited (**Meridian**) in response to the Court's directions contained in a case management Minute dated 4 October 2021.

Evidence Exchange Timetable

- 2 Meridian proposes some amendments to the timetable prepared by counsel for the Council as follows:

Step	Date (assuming 14 March hearing)
Topic B Overview Evidence from Council outlining key findings from Topic A Interim Decisions, updates to superior planning documents (e.g., NPSFM 2020), outline of other new regulations (e.g., NES Freshwater, Stock-exclusion), outline of ES' freshwater planning process, outline of fundamental issues raised in Topic B appeals	22 October 2021
Will say statements from Appellants' experts and planners. Planners to provide marked up changes to planning provisions sought, together with an explanation as to how those provisions align with Topic A decisions	29 October 2021
Will say statements from 274 Parties' experts and planners. Planners to provide marked up changes to planning provisions sought, together with an explanation as to how those provisions align with Topic A decisions	5 November 2021
Will say statements from Council's experts and planners. Planners to provide marked up changes to planning provisions sought, together with an explanation as to how those provisions align with Topic A decisions	11 November 2021 (Canterbury Show Day on 12 November 2021)
Will say statements from all experts (where conferencing required) including marked-up changes to provisions where appropriate	12 November 2021 ¹
Expert witness conferencing of technical witnesses, and Planners to take place	22 November to 10 December 2021
Joint Witness Statements of technical witnesses and Planners to be filed	10 December 2021

¹ Rather than a sequential exchange of 'will say' statements, it is proposed that all statements be filed contemporaneously. Allowing more time for preparation of these statements gives witnesses a greater opportunity to consider the contents of the statements and will hopefully thereby improve the quality of conferencing

Evidence-in-chief for the Appellants to be filed and served	21 January 2022 19 January 2022 ²
Evidence-in-chief for s274 Parties to be filed and served	28 January 2022 2 February 2022 ³
Evidence-in-chief for Council to be filed and served	11 February 2022 16 February 2022
Rebuttal evidence for s274 Parties and Appellants to be filed and served	25 February 2022 2 March 2022
All parties to file a memorandum setting out changes to provisions being pursued	25 February 2022 2 March 2022
Council to file tabbed, indexed and paginated hard copies of all evidence (including exhibits) with the Court	4 March 2022 7 March 2022

Issues to be resolved/decided

- 3 Meridian agrees with the table at Appendix B of the Council's memorandum of 24 September 2021.
- 4 Appendix A of the Council's memorandum sets out a large number of issues that have been resolved by mediation or otherwise withdrawn. As a consequence there are a number of agreed changes to be made to the Plan. In accordance with the Court's Minute of 4 October 2021 documentation seeking appropriate orders by consent in relation to these changes is to be filed by 19 November 2021. The timetable suggested above (and I assume the timetable proposed by the Council) assumes that the changes agreed in mediation will be accepted by the Court. Witnesses

² The proposed date for appellants to file evidence means witnesses can write evidence in accordance with their personal circumstances – either in December 2021, after the completion of conferencing, or in January 2022.

³ The suggested dates for this and subsequent steps are consequential amendments to provide reasonable spacing between steps while still keeping to a 14 March 2022 date for commencement of the hearing

need to be instructed on the basis that the agreed changes are settled for the purposes of preparing will say statements and attending mediation. If that is not the case (i.e., if the parties cannot proceed on the basis that the agreed changes are settled) an alternative process will need to be developed.

Witnesses to be called by Meridian

- 5 Meridian intends to call the following witnesses:
- a. Company witnesses (non-expert) x 2
 - b. Planning expert x 1
 - c. Water quality/ecology expert x 1
 - d. Hydrologist x 1
 - e. Electricity sector consultant (the role and importance of the Manapōuri Power Scheme) x 1
 - f. Climate change expert x 1

Expert witness availability

- 6 In the period 22 November – 10 December Meridian's experts are available for conferencing on all week days as follows:
- a. Planning expert – all days
 - b. Water quality/ecology expert – all days except 22 November
 - c. Hydrologist - all days up to and including 3 December
 - d. Electricity sector consultant – all days
 - e. Climate change expert – all days



Stephen Christensen
Counsel for Meridian Energy Limited
13 October 2021

