

**BEFORE 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
(ENV-2018-CHC-27)

HORTICULTURE NEW ZEALAND
(ENV-2018-CHC-28)

ARATIATIA LIVESTOCK LIMITED
(ENV-2018-CHC-29)

WILKINS FARMING CO
(ENV-2018-CHC-30)

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**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL
3 August 2018**

Judicial Officer: Judge Hassan and Judge Borthwick

**WYNN WILLIAMS
LAWYERS
CHRISTCHURCH**

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**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)

STONEY CREEK STATION LIMITED
(ENV-2018-CHC-42)

THE TERRACES LIMITED
(ENV-2018-CHC-43)

CAMPBELL'S BLOCK LIMITED
(ENV-2018-CHC-44)

ROBERT GRANT
(ENV-2018-CHC-45)

**SOUTHWOOD EXPORT LIMITED, SOUTHLAND
PLANTATION FOREST COMPANY OF NZ,
SOUTHWOOD EXPORT LIMITED**
(ENV-2018-CHC-46)

**TE RUNANGA O NGAI TAHU, HOKONUI RUNAKA,
WAIHOPAI RUNAKA, TE RUNANGA O AWARUA & TE
RUNANGA O ORAKA APARIMA**
(ENV-2018-CHC-47)

PETER CHARTRES

(ENV-2018-CHC-48)

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 Memorandum of Counsel is filed on behalf of the Southland Regional Council (**Council**) in respect of the appeals against the Council's decision on the proposed Southland Water and Land Plan (**pSWLP**).
- 2 Counsel advised in its Memorandum dated 1 August 2018 that Ms Hicks, the Council's Policy and Planning Manager, and the Council's Director of Policy, Planning and Regulatory Services (Mr Vin Smith) are unavailable on the proposed pre-hearing conference date of 17 August 2018.
- 3 In its Minute dated 2 August 2018, the Court directed the Council to file a further memorandum explaining the circumstances precluding Ms Hick's availability, and whether this cannot be resolved, or covered by counsel and/or another officer.
- 4 Ms Hicks is unavailable on 17 August 2018 as this date is her child's first birthday. As a working parent it is important that Ms Hicks attend this important milestone.
- 5 At the time of filing the Memorandum dated 1 August 2018, Counsel understood that Mr Smith was also unavailable on 17 August as he was scheduled to undergo dental surgery. However, on that same date (1 August 2018) Mr Smith's dental surgery was moved from 17 August to an earlier date, due to a cancellation. This was brought to Counsel's attention after receiving the Court's Minute.
- 6 Ms Hicks and Mr Smith are the only Council officers who have delegated authority in respect of the pSWLP appeals. Further, there are no other council officers who have the requisite involvement in the pSWLP appeals to appropriately attend in Ms Hicks' place.
- 7 While Counsel and Mr Smith are available to attend without Ms Hicks, based on the circumstances outlined in our Memorandum dated 1 August 2018, it would be preferable that Ms Hicks also attend the pre-hearing conference.
- 8 In its Minute, the Court indicated that if the pre-hearing conference is not scheduled for 17 August 2018, it will be scheduled for early September (sometime after the first week in September).

- 9 Accordingly, Counsel respectfully requests that the pre-hearing conference be scheduled for early September.

DATED this 3rd day of August 2018



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P A C Maw / K J Wyss
Counsel for the Southland Regional Council