

**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)

(Continued next page)

**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL
REGARDING CASE MANAGEMENT MATTERS**

12 July 2022

Judicial Officer: Judge Borthwick

Respondent's Solicitor
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WYNN WILLIAMS

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

**GORE DISTRICT COUNCIL, SOUTHLAND DISTRICT
COUNCIL & INVERCARGILL CITY 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, KODANSHA
TREEFARM NEW ZEALAND LIMITED, SOUTHLAND
PLANTATION FOREST COMPANY OF NEW ZEALAND**
(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 and addresses case management matters.
- 2 In its Minute dated 11 July 2022, the Court issued draft timetabling directions that were discussed in Court on Friday 8 July 2022. The Court also reserved leave for the parties to seek further (or other) directions and directed any amendments to the draft timetable to be proposed by Tuesday 12 July 2022.
- 3 Having reflected on the draft timetable, the Council is concerned that the quality of work able to be produced in that time will be compromised. Further, the Council's witness, Mr McCallum-Clark, is currently isolating following a household contact testing positive for COVID-19. In the event that Mr McCallum-Clark also contracts the virus, the Council's ability to provide the Court with evidence that adequately addresses the Court's remaining concerns will be further compromised.
- 4 Accordingly, the Council respectfully proposes the following amendments to the draft timetable (suggested amendments shown in underline, suggested deletions shown in ~~striketrough~~):

SRC is to file supplementary legal submissions setting out legal principles concerning scope of relief	12 July 2022
Counsel to propose directions re: sense check.	13 July 2022
Third Farm Systems and Planning JWS together with s 32AA to be filed.	21 July 2022
Counsel to confirm party position on final wording of provisions addressed in Third Farm Systems and Planning JWS.	22 July 2022
Appellants and s274 parties are to circulate their final wording for provisions.	13 <u>27</u> July 2022

Any party disputing scope for relief is to file a memorandum identifying the relevant provision and briefly stating the basis for the challenge.	15 <u>29</u> July 2022
Mr McCallum-Clark to file his final reply and s 32AA report.	20 <u>July 3 August</u> 2022
<u>Presentation of and questions on Third Farm Systems and Planning JWS</u>	<u>8-9 August 2022</u> ¹
Mr McCallum-Clark to be recalled to give evidence.	25 <u>July 8-9 August</u> 2022
Unless a different order is required, closing submissions are to be given in reverse order to opening submissions. In closing, parties are to address scope for the relief being pursued.	28-29 <u>July 15-16 August 2022 (with and 3-4</u> 25-26 <u>August 2022 reserved in case of availability issues on 15-16 August)</u>

- 5 The Council recognises that these changes will likely delay the issuing of the Court's decision. However, the Council also wants to ensure that it is able to present quality material that will best assist the Court in its decision-making process.
- 6 Counsel for the Council has liaised with parties regarding the suggested amendments. There is broad agreement between most of the parties regarding the need to extend the timetable,² and all counsel's availability for closing submissions can be accommodated in the suggested amendments.³

¹ We note that Ms Gepp and Ms Carruthers are both unable on 8 August 2022. If both counsel have questions on the Third Farm Systems and Planning JWS, this will need to be accommodated on 9 August 2022. Similarly, counsel for Ravensdown, Mr Mark Christensen is also unavailable on 8-9 August 2022. If Mr Christensen has questions on the JWS or for Mr McCallum-Clark, alternative arrangements will need to be made.

² Fish & Game and Forest & Bird appreciate the Council's position with respect to the quality of the material it can produce, but would prefer to complete the hearing in a timeframe that enables a decision from the Court this year, if possible.

³ Mr Garbett, counsel for the Territorial Authorities, has not responded.

Directions sought

- 7 The Council respectfully seeks an amended timetable as set out above at paragraph 4.

DATED this 12th day of July 2022



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P A C Maw / A M Langford
Counsel for the Southland Regional Council