

**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)

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**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL  
REGARDING TRANCHE 1 HEARING ARRANGEMENTS (USE OF AVL AND  
HEARING SCHEDULE)  
25 February 2022**

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Judicial Officer: Judge Borthwick

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Respondent's Solicitor  
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**WYNNWILLIAMS**

Solicitor: P A C Maw  
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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.

**Use of AVL**

- 2 The Court directed<sup>1</sup> the Council to report on the parties' views as to the use of AVL for the disputed provisions hearing.
- 3 The Council has liaised with the parties and advises that the parties all agree to the use of AVL for the disputed provisions hearing.
- 4 Many parties expressed a preference for an in-person hearing if that was possible, but recognise that the current climate necessitates hearing by AVL, at least for the April hearing time.
- 5 In any case, some parties requested that AVL be an option regardless of whether some parties are to appear in person.

**Hearing schedule**

- 6 The Court also directed<sup>2</sup> the Council to, having conferred with the parties, produce a hearing schedule that allows for parties' submissions and (where relevant) estimated time for cross-examination and re-examination following the Court's questions.
- 7 Counsel for the Council has liaised with the parties as directed and has been working to produce a hearing schedule. However, counsel is not yet in a position to file the hearing schedule. Counsel anticipates that this will be ready to file with the Court on Monday, 28 February 2022.

**DATED** this 25<sup>th</sup> day of February 2022



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

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<sup>1</sup> Record of Pre-Hearing Conference dated 15 February 2022 at [42](b).

<sup>2</sup> Record of Pre-Hearing Conference dated 15 February 2022 at [42](g)(i).