

BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY

ENV-2011-CHC-090

UNDER The Resource Management Act
1991

BETWEEN **MERIDIAN ENERGY LIMITED**

Applicant

AND **HURUNUI DISTRICT COUNCIL and
CANTERBURY REGIONAL
COUNCIL**

Consent Authorities

Memorandum for

Glenmark Community Against Wind Turbines Incorporated

Re. Directions as to List of witnesses

10 February 2012

Malcolm Wallace
Barrister
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Christchurch 8141
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TO: Registrar, Environment Court, Christchurch

And to: The Applicant

And to: The Respondents

And to: s.274 parties

1. Counsel refers to the Court's Minute dated 16 January 2012, and in particular the direction at paragraph [8].
2. Meridian and the Councils have of course already complied.
3. The directions in that Minute arose from the letter from Tipapa Limited dated 4 January 2012. The request by Tipapa for a list of witnesses to be called by the applicant and the Councils was to enable Tipapa to determine who it might need to summons.
4. While counsel acknowledges the Court's desire to be even handed in its directions, with respect there is no such benefit to be obtained by the s.274 parties now disclosing who will be their witnesses. The absence of a witness from that list will surely not lead to the Applicant or the Councils, or any other party, seeking to summons a potential witness not named at this stage.
5. By letter dated 25 January 2012 the Society sought an extension to 27 April 2012 for the disclosure of its witnesses. Counsel attaches that letter now (which was understandably returned from the Court unanswered).
6. Counsel is instructed that this letter was sent to all parties, and no response has been received. No objection to the requested extension has been received.
7. The Society feels under undue pressure with this requirement to now list its witnesses. It is working very hard to determine who its witnesses will be, which involves difficult funding decisions amongst others.

8. It is submitted that no party will be prejudiced if the Society's list of witnesses is not disclosed until 27 April 2012. Certainly no party has to date suggested any such prejudice.

Dated this 10th day of February 2012.



M J Wallace Counsel for Glenmark Community Against Wind Turbines Incorporated

Glenmark Community Against Wind Turbines Inc
C/- G Higginson
3 R D Amberley
25th January 2012

Judge Borthwick
Environment Court
Department of Justice
P O Box 2069
DX WX1113
Christchurch

Your Honour

On the matter of ENV-2011-CHC-090 (Meridian Energy's Hurunui Windfarm), I am writing on behalf of Glenmark Community Against Wind Turbines Inc. in response to your latest minute, dated 16 January 2012.

Although this response was prompted by John Carr's questions of 4 January, paragraph [8] is of equal concern to our members.

[8] We feel that the 17 February deadline for nominating our witnesses is unachievable, and we would like this extended to April 27. Until the receipt of this Minute, April 27 has been the date we have been working towards, in good faith and to the best of our limited resources.

We would also appreciate clarification as to whether you require the nomination of expert witnesses only, or of all witnesses, by due date?

As you will be aware, most of our members are farmers. This is an extremely busy time of year, on top of the demands of Christmas, school holidays, etc. Also, several potential experts we are considering have been away and are only now returning to work. We feel it would be unwise and unfair to rush negotiations, thereby running the risk of failing to select the most suitable experts or incurring more expense than we need.

On the matter of the fairness of Direct Referral, we respectfully point out that Meridian Energy has been developing the Hurunui Windfarm project for three years. Given their previous windfarm developments, they have had a suite of well prepared experts at their disposal and even so requested an extension for presenting their Evidence-in-chief on this project, which you granted. By contrast, the community has had less than two months since our meeting with you on December 5, 2011, to come to grips with the Court's procedures and try to meet its exacting requirements.

In accordance with the Court's directions, I shall forward a copy of this letter to all parties.

Yours sincerely

Graeme Higginson - Chairman
Glenmark Community Against Wind Turbines Inc.