

**In the Environment Court
Christchurch Registry**

ENV -2011-CHC-090

Under the Resource Management Act 1991
And in the matter of a resource consent application under sections 87C-1 of the RMA

Between

Meridian Energy Limited

Applicant

and

Hurunui District Council and Canterbury Regional Council

Consent Authorities

**Memorandum of Counsel for Meridian Energy Limited -
Reply to Mr Carr (witness summons and assertions as to
illegality)**

2 April 2012

BELL GULLY

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May it please the Court:

Background

1. This memorandum follows Mr Carr's responses to the issues raised by Meridian and Hurunui District Council arising from Mr Carr's intention to seek numerous witness summons, and his concerns about Meridian's undertakings relating to costs incurred by Hurunui District Council.
2. We also comment on the proposed dates for hearing that

Witness summons

3. Meridian agrees with the comments made by counsel for Hurunui District Council in the memorandum dated 29 March 2012 in relation to Mr Carr's response to concerns about his intention to summons various witnesses.
4. In particular, Meridian agrees with counsel's observation that:

Mr Carr's memorandum of 26 March 2012 does not provide an explanation but does contain other irrelevancies.
5. Meridian continues to seek the directions originally applied for in the memorandum dated 22 March 2012, for the reasons set out therein.

Subsequent allegations made by Mr Carr

6. Meridian agrees with Hurunui District Council that the allegations of impropriety and illegality that have been made by Mr Carr lack any merit and are unsupported by evidence. Given the serious nature of those allegations, Meridian agrees with the proposal by counsel for Hurunui District Council in the memorandum dated 29 March 2012, that if Mr Carr intends to continue with those allegations, he should:
 - (a) Apply for orders or directions by notice in motion; and
 - (b) Any such notice of motion should be supported by appropriate affidavit evidence.

7. Meridian notes that the agreement that has been referred to by Mr Carr has been released to Glenmark Community against Windfarms, and that Mr Carr presumably has a copy of it.



A J L Beatson

Counsel for Meridian Energy Limited

2 April 2012