

**IN THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**ENV-2018-CHC-000028**

**IN THE MATTER** of the Resource Management Act 1991  
**AND**  
**IN THE MATTER** of appeals under Clause 14(1) of the First  
Schedule of the Act in relation to the  
Proposed Southland Water and Land Plan  
**BETWEEN** **HORTICULTURE NEW ZEALAND**  
Appellant  
**AND** **SOUTHLAND REGIONAL COUNCIL**  
Respondent

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**MEMORANDUM ON BEHALF OF HORTICULTURE NEW ZEALAND**

**16 JULY 2018**

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## **MAY IT PLEASE THE COURT:**

1. This memorandum is filed on behalf of Horticulture New Zealand (HortNZ) in relation to the proposed Southland Water and Land Plan (SWALP) mediations in response to the Minute of the Court dated 9 July 2018.
2. HortNZ is both an appellant and s274 party to numerous appeals on the proposed Southland Water and Land Plan.
3. The Respondent has filed with the Court a Memorandum of Counsel dated 29 June 2018 which set out topic groupings and proposed mediations for appeals on the proposed Southland Water and Land Plan.
4. The Minute of the Court directs that any appellant or s274 party could respond to the 29 June 2018 memorandum by Monday 16 July 2018.

### **Topic groupings**

5. HortNZ generally concurs with the topic groupings of appeal points set out by the Respondent, except for one appeal point by Transpower NZ Ltd (ENV-2018-CHC-000026).
6. Transpower NZ Ltd has appealed Rule 59a) relating to culverts. This matter has been allocated by the Respondent to Topic 8 Bed Disturbance.
7. HortNZ considers that the matter is more related to the Infrastructure topic. While the appeal relates to activities in the bed or a river the principle issue is providing for infrastructure. Other appeal points relating to providing for infrastructure will be considered in the Topic Grouping for Infrastructure and it would be more efficient that all related appeal points are addressed within the same grouping.

8. HortNZ has also raised an issue in its s274 notice regarding the scope for the relief sought by Transpower NZ Ltd.
9. The Respondent noted in the Memorandum (7) that some appeals seek relief that appears to go beyond the scope of submissions on the pSWLP, but has not raised these issues at this point in time as the issues can be addressed at mediation.
10. The appeal point by Transpower NZ Ltd on Rule 59 would appeal to be one such appeal point.
11. HortNZ's preference is that, in the interests of fairness and efficiency, where there are matters that appear to be beyond the scope of submissions that these appeal points are identified prior to mediation and any refined relief provided to parties before mediation.
12. HortNZ notes that there are a number of appeals on specific catchments, notably the Waiau. Given that not all parties are party to catchment specific appeals it may be more appropriate that the topic groupings include categories for catchment specific appeals. This would assist the efficiency of the mediations.
13. It is noted that cultivation has been identified as a separate topic in Appendix B of the Memorandum of Counsel but is not identified in Para 3 of the memorandum.

#### **Mediation dates**

14. The Memorandum of Counsel set out a range of proposed dates and order for mediation based on the proposed topic grouping.
15. HortNZ was not available in the time provided to respond to the Respondent prior to the filing of the Memorandum.
16. Due to prior commitments HortNZ staff and experts are not available to attend mediation on the following dates:
  - (a) 13 - 17 August

- (b) 27 - 31 August
- (c) 3 - 7 September
- (d) 19 - 23 November
- (e) 26 - 30 November

It is noted that the Court has stated that due to heavy Commissioner commitments in August, the week of 13 - 17 may not be available for mediation. However, for clarity, we have included these dates above as we have prior commitments then also.



**Rachel McClung**

Environmental Policy Advisor, Natural Resources and Environment  
Horticulture New Zealand