

**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)

**WILKINS FARMING CO**

*(Continued next page)*

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**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL IN  
RELATION TO THE FACILITATED MEETINGS SCHEDULED FOR THE  
WEEK OF 2 SEPTEMBER 2019  
9 August 2019**

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Judicial Officer: Judge Borthwick

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Respondent's Solicitor  
PO Box 4341 CHRISTCHURCH 8140  
DX WX11179  
Tel +64 3 379 7622  
Fax +64 379 2467

Solicitor: P A C Maw  
(philip.maw@wynnwilliams.co.nz)

**WYNNWILLIAMS**

(ENV-2018-CHC-30)

**GORE DISTRICT COUNCIL, SOUTHLAND DISTRICT  
COUNCIL & INVERCARGILL DISTRICT 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 (**pSWLP**).
- 2 In accordance with the Court's Minute issued on 5 August 2019, this Memorandum provides a response, on behalf of the Council and a number of other parties, to the direction at [15(a)] of the Minute, being that:
  - by Friday 9 August 2019 the parties are to confirm whether the dates identified by the court are suitable, or if not advise which alternative dates in the week commencing 2 September are suitable. At the same time, the parties are to advise the Registry how many attendees will be at each meeting;
- 3 To assist the Court by providing a consolidated response, Counsel sought responses from the parties to the Court's direction. In summary, the Court's proposed dates for conferencing, being 3 and 4 September 2019, are suitable to the parties that responded to Counsel for the Council.
- 4 Based on the responses received from those parties (plus the Council), there will be:
  - (a) 41-46 attendees at the first facilitated meeting (comprising Counsel, scientific, cultural, and planning advisors); and
  - (b) 12-14 attendees at the second facilitated meeting (comprising scientific advisors).
- 5 For completeness, a table showing the individual parties' responses is contained in **Appendix A**. There is some overlap in the attendees for some parties (i.e., some people will be representing two parties). The total numbers provided in paragraph 4 reflect this overlap.
- 6 In addition to the responses detailed in Appendix A, Counsel also received the following comments from parties:
  - (a) The Oil Companies are interested in the outcomes but will not be represented at the meetings in September.

- (b) Ballance wishes to note that it understands that the scope of these meetings will be solely on the question of degradation.
- (c) The Dairy Interests (Fonterra and Dairy NZ) understand that all primary sector parties consider that the proposed programme of work should be limited to determining whether particular waterbodies are degraded or not (by reference to indicators of health) and not - at this stage - the extent to which a waterbody should be improved or maintained. Horticulture NZ supported this view.

7 Accordingly, based on the responses received from the parties, Counsel confirms that the dates identified by the Court of 3 and 4 September 2019 are suitable for the two facilitated meetings.

**DATED** this 9<sup>th</sup> day of August 2019



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**P A C Maw / K J Wyss**  
Counsel for the Southland Regional Council

## Appendix A

<b>Party</b>	<b>Are 3 &amp; 4 September suitable?</b>	<b>Alternative dates if 3 &amp; 4 September not suitable</b>	<b>Number of persons attending 1<sup>st</sup> facilitated meeting of Counsel plus experts</b>	<b>Number of persons attending 2<sup>nd</sup> facilitated meeting of the scientific advisors</b>
<b>Southland Regional Council</b>	Yes	N/A	6-7 people	3-4 people
<b>Territorial Authorities</b>	Yes	N/A	3 people	1 person
<b>Director-General of Conservation</b>	Yes	Not available 2 September. Available 3-6 September inclusive.	3-4 people	1-2 people
<b>Ravensdown</b>	Yes	N/A	3 people	N/A
<b>Oil Companies</b>	N/A	N/A	N/A	N/A
<b>Ballance Agri-Nutrients</b>	Yes	Available all week	1 person	N/A
<b>Beef + Lamb NZ</b>	Yes	Would prefer 2 or 3 September for 1 <sup>st</sup> meeting.  Counsel is committed elsewhere on 4 & 5 September.  Planning expert not	2-3 people	Likely to be 1 person

Party	Are 3 & 4 September suitable?	Alternative dates if 3 & 4 September not suitable	Number of persons attending 1 <sup>st</sup> facilitated meeting of Counsel plus experts	Number of persons attending 2 <sup>nd</sup> facilitated meeting of the scientific advisors
		available 6 September.		
<b>Ngā Rūnanga</b>	Yes	N/A	4-5 people	1 person
<b>Federated Farmers</b>	Yes	N/A	2 people (1 of which is also attending for Horticulture NZ).	N/A
<b>DairyNZ / Fonterra</b>	Yes	Available all week, except planning witness (Gerard Willis) who is unavailable on 4 September.	4 people	1 person
<b>Meridian / Alliance</b>	Yes	N/A	<p>Up to 5 people (Meridian)</p> <p>Up to 3 people (Alliance)</p> <p>There is overlap between those attending for Meridian and Alliance, such that the total combined number should not exceed 7 people.</p> <p>Mr Kyle (planner for Alliance) has a commitment in</p>	1 person

<b>Party</b>	<b>Are 3 &amp; 4 September suitable?</b>	<b>Alternative dates if 3 &amp; 4 September not suitable</b>	<b>Number of persons attending 1<sup>st</sup> facilitated meeting of Counsel plus experts</b>	<b>Number of persons attending 2<sup>nd</sup> facilitated meeting of the scientific advisors</b>
			Queenstown later on 3 September and will only be available until early afternoon.	
<b>Horticulture New Zealand</b>	Yes	N/A	1 person (who is also attending for Federated Farmers)	N/A
<b>Forest &amp; Bird</b>	Yes	N/A	2 people (potentially 1 of which may also be attending for Fish & Game)	1 person
<b>Fish &amp; Game</b>	Yes	N/A	3 people (potentially 1 of which may also be attending for Forest & Bird)	1 person
<b>Waiau Rivercare Group</b>	Yes	N/A	2 people	1 person