

**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**  
(ENV-2018-CHC-30)

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**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL  
CONFIRMING FURTHER FACILITATED EXPERT CONFERENCE REQUIRED  
29 October 2019**

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Judicial Officer: Judge Borthwick

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**WYNNWILLIAMS**

**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. In particular, this Memorandum relates to the further work the parties' experts are completing to develop indicators of ecological and cultural health for Southland's waterbodies.

**Is a further facilitated expert conference required?**

- 2 In its Minute dated 13 September 2019, the Court directed that the parties confirm by Tuesday 29 October 2019 whether a further combined facilitated expert conference of two to three days is required in the week of either 11 November 2019 or 18 November 2019.
- 3 Counsel for the parties liaised with their respective experts, who confirmed that a further facilitated expert conference is required.

**Preferred dates for further facilitated expert conference**

- 4 In the Memorandum of Counsel for the Council dated 20 September 2019, Counsel set out the unavailability of the conferencing experts during the weeks of 11 and 18 November 2019.<sup>1</sup> Counsel notes that in addition to those persons and dates set out in that Memorandum, Dr Snelder is now unavailable from 11 to 15 November 2019.
- 5 As set out in the Memorandum dated 20 September 2019, and taking into account the Court's preference that the conference take place in the week of 18 November 2019, Counsel suggests that the best dates for a further facilitated expert conference remain 20 to 22 November 2019.
- 6 Counsel for the Council notes that some experts consider the length of the further expert conference may be able to be reduced to 1.5 to 2 days. Notwithstanding this, Counsel for the Council considers that the full three days should be set aside to ensure that sufficient time is allowed.

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<sup>1</sup> Memorandum of Counsel for Southland Regional Council dated 20 September 2019 at [10].

**Location of further facilitated expert conference**

- 7 As set out at paragraphs [17] to [19] of the Memorandum dated 20 September 2019, the Council's preferred location for a further facilitated expert conference is Invercargill.
- 8 Counsel notes the Court's advice in its Minute dated 23 September 2019 that it has no issues as to holding the November conference in Invercargill.
- 9 Accordingly, Counsel for the Council respectfully requests that the further facilitated conference take place in Invercargill.

**Directions sought**

- 10 Counsel respectfully seeks directions that a further facilitated expert conference be set down for 20 to 22 November 2019 in Invercargill, to allow for the continuation of the experts' work on developing ecological and cultural indicators of health for Southland's waterbodies.

**DATED** this 29<sup>th</sup> day of October 2019



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