

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991
AND of appeals under clause 14 of the First
 Schedule of the Act
BETWEEN TRANSPOWER NEW ZEALAND LIMITED
 (ENV-2018-CHC-26)
 ... (continued on last page)
 Appellants
AND SOUTHLAND REGIONAL COUNCIL
 Respondent

**MINUTE OF THE ENVIRONMENT COURT
(20 March 2019)**

Introduction

[1] I have been referred to the memorandum of counsel for the Southland Regional Council dated 18 March 2019.

[2] The court directed in its Minute dated 14 March 2019¹ for the Council to report on the topics for expert conferencing, the proposed sequencing and the availability of the experts for conferencing on the dates indicated.

[3] Counsel for the Council seeks the following:

- (a) an amendment to the direction set out in paragraphs [4] and [9] of the court's Minute, to report on topics for conferencing and proposed sequencing of expert conferencing, on Wednesday 27 March 2019, once all of the evidence-in-chief has been circulated;



¹ Minute dated 14 March 2019 at [4] and [9].

- (b) confirmation as to whether Environment Commissioners are also available to conference in the week commencing 8 April 2019; and
- (c) confirmation of the proposed timetable in paragraph [8] of the court's Minute dated 14 March 2019, subject to the deletion of the requirement to file an agreed statement of facts five (5) working days before the first conference.

[4] As the proposed timetable extends the filing date for evidence-in-chief to Friday 22 March 2019, I will extend the time for filing the memorandum as sought by the Council. This will provide the parties more time to review the evidence before filing a memorandum addressing the details for expert conferencing.

[5] Given the extension, it is now impractical for the experts to meet in the weeks commencing 25 March or 1 April.

[6] Parties are advised that Environment Commissioners are available for conferencing from **Tuesday 9 April to Thursday 18 April 2019**. Subject to the memorandum to be filed reporting the topics and sequencing, if the parties find there is a need for more time to complete conferencing, Environment Commissioner Jim Hodges is available in the week of **29 April 2019** (subject to the expert conferencing set down for that week on an unrelated appeal by Wilkins Farming Co).

[7] I confirm that the direction requiring an agreed statement of facts be filed five working days before the start of a conference is cancelled.

[8] In response to the above, the proposed timetable for the exchange of evidence and the facilitation of conferencing² will be amended to provisionally allow more time for consideration of evidence and expert conferencing.

[9] Finally, an issue before the court concerns whether evidence-in-chief on behalf of Southland Fish and Game Council ('Fish and Game') is entirely within the scope of its appeal and/or are properly for the Topic B hearing rather than Topic A. This concerns aspects of the evidence of Dr Death and Mr Farrell. In its 13 March 2019 memorandum, the Regional Council seeks related directions noting the potential procedural consequences to parties with relevant interests. The court has directed Fish and Game to respond by today.

² Minute dated 14 March 2019 [8].



[10] As matters stand, the court is to resolve whether the Council's application requires a determination. Hence, relevant parties in conferencing should note that, any related conferencing outcomes are provisional upon any directions the court may make as to the admissibility of the relevant evidence.

Directions

Evidence timetable directions

[11] I direct:

- (a) evidence-in-chief for the parties opposing the appellants is to be filed and served by **Friday 22 March 2019**;
- (b) expert witness conferencing is to take place between **9 April and 18 April 2019** (with additional time available for continuation in the week commencing **29 April 2019** if required);
- (c) joint expert witness statements are to be signed at the end of each conference unless otherwise agreed by the Commissioner and filed by **Friday 3 May 2019**;
- (d) rebuttal evidence for the appellants to be filed and served by **Wednesday 8 May 2019**;
- (e) rebuttal evidence for the section 274 parties is to be filed and served by **Wednesday 15 May 2019**;
- (f) the Council is to file six (6) tabbed, indexed and paginated hard copies of all evidence (including exhibits) with the court by **Friday 17 May 2019**;³
- (g) rebuttal evidence for the Council is to be filed and served by **Wednesday 22 May 2019** and six (6) hardcopies lodged with the court.

Other directions

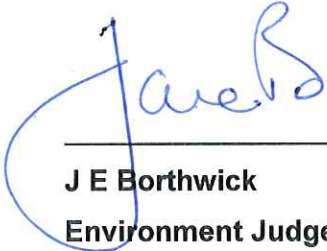
- (h) by **Wednesday 27 March 2019** the Council is to file a memorandum addressing the details required for expert conferencing to be set down as previously directed in paragraph [4] of the Minute dated 14 March 2019, including:

³ That is, the folders will be filed without final rebuttal evidence.



- (i) the **number of persons** anticipated to attend each conference;
- (ii) the **sequencing** of conferences;
- (iii) the **availability** of experts for conferencing on the dates indicated;
- (iv) the **estimated time** required for conferencing;
- (v) **facilities** required; and
- (vi) the most suitable **location** for conferencing.

[12] Leave is reserved for the parties to apply for further directions (including as may arise in response to the court's determination of the Council's 13 March 2019 application for directions as to matters concerning Fish and Game's Topic 1 evidence).



J E Borthwick
Environment Judge



Issued: 20 MAR 2019

List of appellants

ENV-2018-CHC-27	Fonterra Co-Operative Group Ltd
ENV-2018-CHC-28	Horticulture New Zealand
ENV-2018-CHC-29	Aratiatia Livestock Limited
ENV-2018-CHC-30	Wilkins Farming Co
ENV-2018-CHC-31	Gore District Council, Southland District Council and Invercargill City Council
ENV-2018-CHC-32	DairyNZ Limited
ENV-2018-CHC-33	H W Richardson Group Limited
ENV-2018-CHC-34 & 35	Beef + Lamb New Zealand
ENV-2018-CHC-36	Director-General of Conservation
ENV-2018-CHC-37	Southland Fish & Game Council
ENV-2018-CHC-38	Meridian Energy Limited
ENV-2018-CHC-39	Alliance Group Limited
ENV-2018-CHC-40	Federated Farmers of New Zealand
ENV-2018-CHC-41	Heritage New Zealand Pouhere Taonga
ENV-2018-CHC-42	Stoney Creek Station Limited
ENV-2018-CHC-43	The Terraces Limited
ENV-2018-CHC-44	Campbell's Block Limited
ENV-2018-CHC-45	Robert Grant
ENV-2018-CHC-46	Southwood Export Limited, Southland Plantation Forest Company of NZ, Southwood Export Limited
ENV-2018-CHC-47	Te Rūnanga o Ngāi Tahu, Hokonui Rūnaka, Waihopai Rūnaka, Te Rūnanga o Awarua & Te Rūnanga o Oraka Aparima
ENV-2018-CHC-48	Peter Chartres
ENV-2018-CHC-49	Rayonier New Zealand Limited
ENV-2018-CHC-50	Royal Forest and Bird Protection Society of NZ Inc

