

**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: CONFERENCING
(2 April 2019)**

[1] This Minute is released for the purpose of case managing expert witness conferences.

[2] The parties seek facilitated conferencing on one, or maybe two topics (surface water quality and freshwater ecology). A possible third topic, the water quality of lakes, is proposed to be conferenced by the experts directly.

[3] The bench anticipates that the topic of water quality (all water bodies, including groundwater) and freshwater ecology are closely linked to water quantity, but no conference is sought in relation to the latter. Are we to be given to understand, that there is no dispute as to the relationship between water quantity, water quality and the attendant freshwater quality of all water bodies? Notably there is no request for conferencing on either groundwater quality or quantity although the Plan's index indicates it deals with groundwater, as might be expected.

[4] Given the importance of the proceedings to the Region, it is regrettable that the experts have not made themselves available during the weeks offered by the Registry for conferencing. Further, it is our collective experience as a bench that it is unlikely effective



conferencing will conclude in the half-day allowed by the parties for both topics (Thursday 11 April 2019).

[5] Rather than work through dates which may suit all of the individual experts, and which has not proved satisfactory, the court will direct conferencing on Monday 29 and Tuesday 30 April 2019 with Commissioner Jim Hodges, continuing into the week commencing 6 May 2019 (also with Commissioner Jim Hodges).

[6] All topics – including lake quality, will be facilitated and all witnesses are expected to attend. While we have directed planners to assist the technical experts with the preparation of the conference agendas, we are not directing a conference for planning witnesses.

Directions

[7] I direct:

- (i) by **Friday 5 April 2019**, the Regional Council is to clarify why conferences in relation to groundwater and surface water quantity are not sought;
- (ii) by **Friday 5 April 2019** the Regional Council is to advise whether all parties are agreed on the receiving environment for lakes' ecology and its relationship with lakes' water quality. Absent agreement, ecology will be added to the water quality – lakes topic and referred to facilitated expert conferencing;
- (iii) the topic of surface water quality and freshwater ecology is referred to expert conferencing on **Monday 29 and Tuesday 30 April 2019**. The topic of water quality – lakes, and if necessary (lake) freshwater ecology will be conferenced in the **week commencing 6 May 2019** facilitated by Commissioner Hodges. If conferencing on other topics, for example groundwater and water quantity, would be beneficial to the hearing process the Regional Council, having consulted other parties, is to request such in which event such conferences will also be conducted in the **week commencing 6 May 2019**. The joint witness statements will be signed by the experts at the conclusion of the conferences and filed in court;
- (iv) expert conferencing will proceed in accordance with the general directions given at clause [7] of the Environment Court's 2014 Practice Note;



- (v) an agenda for each conference is to be prepared with substantive input by the relevant experts to ensure it captures the issues adequately. The agendas are to be prepared with input from planning experts, who must identify the proposed plan provisions relevant to each conference, so that the technical experts focus their conference outputs on matters of greatest interest to the court. When preparing the agenda, the experts should consider the interests and concerns of the parties involved. Before filing agendas, a draft copy is to be sent to Commissioner Hodges for his comment **5 days prior to the applicable conference date**.¹ Final agendas are then to be filed **3 days prior to the applicable conference date**;
- (vi) to assist the Commissioner, the Regional Council, having conferred with the parties, is to file a memorandum identifying the key parts of the pSWLP and evidence-in-chief to be read by the Commissioner by **Friday 12 April 2019**.



J E Borthwick
Environment Judge



Issued:

02 APR 2019

¹ These directions regarding the agenda replace those in the Minute dated 24 March 2019 at [8].

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

