

**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

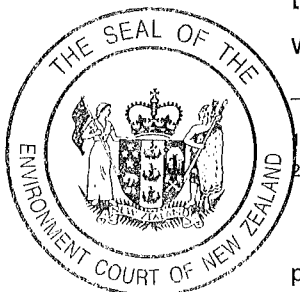
**MINUTE OF THE ENVIRONMENT COURT
(27 May 2020)**

Introduction

[1] This Minute is released for the purpose of case management in response to the notice of motion filed by Ballance Agri-Nutrients and others dated 22 May 2020.

[2] Ballance Agri-Nutrients and others, whom I will refer to as the applicants, seek a ruling pursuant to s 291 of the Resource Management Act 1991 that the evidence filed by Ngā Rūnanga in relation to Objectives 1 and 3, and secondly the consequential amendments to other objectives, is beyond the scope of the Ngā Rūnanga appeal and therefore must be excluded from the court's consideration. I note the applicants' notice relies on the evidence of Ms Ruston in lieu of filing an affidavit.¹ The application having been filed, I will now make directions that any person who wishes to be heard is to file and serve the appropriate notice² setting out their position and reasons for that position.

[3] It occurs to me that there are two further questions arising from the application which I would like counsels' assistance on.



¹Section 291(1) RMA requires any notice of motion to be accompanied by an affidavit. Resource Management (Forms, Fees and Procedure) Regulations 2003, Form 37.

[4] The pSWLP is to give partial effect to the National Policy Statement for Freshwater Management. For example, the proposed plan does not introduce Freshwater Management Units, leaving this for a later plan change. The powers of the court in relation to appeals is set out in s 290 of the Resource Management Act 1991.

[5] The court's questions are:

- (a) pursuant to s 67(3) of the Resource Management Act 1991, to what extent does the proposed Southland Water and Land Plan give effect to the National Policy Statement for Freshwater Management; and
- (b) relative to the extent identified, if the court determines that the proposed Southland Water and Land Plan does not give effect to the National Policy Statement, what are the powers of the court pursuant to s 290?

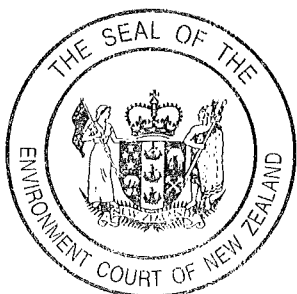
[6] Once any notice of person's wish to be heard together with any supporting affidavit is filed I will make directions setting down of the notice of motion for hearing. Rather than vacate the hearing in June, subject to what the parties may say, I propose again to provisionally admit Ngā Rūnanga's evidence and to hear this application, together with the matters set down for the June fixture.

[7] If parties request a telephone conference prior to the hearing, I will endeavour to accommodate their request. In saying that, given the number of parties involved this will be via AVL and on the record.

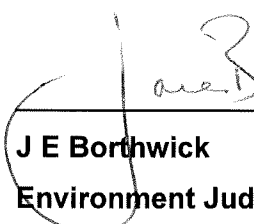
Directions

[8] I direct:

- (a) any party that wishes to be heard on the notice of motion is to file and serve a notice of person's wish to be heard and any supporting affidavit by **Tuesday 2 June 2020**; and
- (b) the respondent, having conferred with the other parties, is to propose directions for the setting down of the notice of motion for hearing by **Friday 5 June 2020** recording the parties' position on whether Ngā Rūnanga's



evidence may be provisionally admitted and secondly, for the application to be heard at the same time as the related matters already set down for a hearing commencing 15 June 2020.


J E Borthwick
Environment Judge



Issued: 27 May 2020

List of appellants

ENV-2018-CHC-26	Transpower New Zealand Limited
ENV-2018-CHC-27	Fonterra Co-operative Group Limited
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
ENV-2018-CHC-32	DairyNZ Limited
ENV-2018-CHC-33	H W Richardson Group Limited
ENV-2018-CHC-34	Beef + Lamb New Zealand
ENV-2018-CHC-35	Beef + Lam New Zealand
ENV-2018-CHC-36	Director-General of Conservation
ENV-2018-CHC-37	Southland Fish and 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	Grant
ENV-2018-CHC-46	Southwood Export Limited and Others
ENV-2018-CHC-47	Waihopai Rūnaka, Hokonui Rūnaka, Te Rūnanga o Awarua, Te Rūnanga o Oraka Aparima and Te Rūnanga o Ngāi Tahu
ENV-2018-CHC-48	Chartres
ENV-2018-CHC-49	Rayonier New Zealand Limited
ENV-2018-CHC-50	Royal Forest and Bird Protection Society of New Zealand Incorporated

