

BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH

I MUA I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

IN THE MATTER of the Resource Management Act 1991
AND of appeals pursuant to clause 14 of the First
Schedule of the Act
BETWEEN ARATIATIA LIVESTOCK LIMITED
(ENV-2018-CHC-29)
... (continued on page 4)
Appellants
AND SOUTHLAND REGIONAL COUNCIL
Respondent

MINUTE OF THE ENVIRONMENT COURT
(23 February 2021)

Introduction

[1] This Minute makes further case management directions in relation to mediation for the proposed Southland Regional Water and Land Plan (SWLP) proceedings.

[2] The Registrar has referred to me the two memoranda of counsel for Southland Regional Council ('SRC') dated 17 and 19 February 2021. This memorandum follows a meeting with the Council team and myself and Environment Commissioner Wilkinson earlier that month concerning mediation logistics, venue availability and court resourcing.

Mediation

[3] The mediations schedule follows directions from Judge Borthwick (Minute dated 1 December 2020). That minute discussed timetabling and various actions leading up to the mediations.



[4] The attached timetable (Appendix A) is now set by the Court for the mediation of the various topics. The timetable also includes the various actions required in sequence prior to each mediation.

[5] The timetabling of the mediations is a complex task bearing in mind the Courts resources and other commitments for Commissioners through the year. The timetable has been designed to also accommodate Commissioners other court commitments and mediations which will begin during this period in respect of the Marlborough Plan.

[6] The second memorandum from the Southland Regional Council advises issues with potential unavailability of certain parties.

[7] Due to commitments of the Court, the available time slots for these mediations is constrained. However, there is some scope to add additional days in the week of 21 June. Otherwise we will be pushing into the middle of July which is generally committed in the court roster. You will also note that the attached timetable has been conceived in a one week on one week off general format. This also coincides with the Commissioners rosters in respect of other commitments.

[8] I attach a draft protocol for these mediations and you will see that there is scope for remote attendance.

[9] There is no explanation as to why Mr Moss is an essential attendee for Southland Fish and Game Council. In the courts experience, Fish and Game have been able to take advantage of remote access for other Plan mediations. This may be a practical option here, or alternatively another representative could be considered.

[10] In respect of the various Ngā Rūnanga¹ parties', if the request is to avoid the period from April 1 to 31 May, that essentially sterilises two months. The court is mindful that these appeals date back to 2018 and there is a requirement to have them considered in a timely affective and efficient manner. Bearing in mind too, that there will inevitably be further changes to the Plan as the Council meets its obligation in respect of the recent Freshwater Policy Statement.

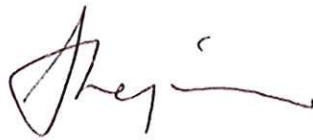
¹ Comprising Te Rūnanga o Ngāi Tahu, Hokonui Rūnaka, Waihopai Rūnaka, Te Runanga o Awarua and Te Rūnanga o Oraka Aparima.

[11] Therefore, bearing in mind tikanga and customary rights, I ask that these parties give consideration to who will be representing them, whether the dates are out for every person, if delegation is possible, and whether there is any prospect of remote attendance. (Although I understand that will not be possible in the Titī Islands).

Directions

[12] The parties are to confer with the intent of finding a way through the concerns expressed by the Ngā Rūnanga parties and a representative for the Southland Fish and Game Council. There is scope for the week of 21 June which is available at this stage.

[13] Parties shall report back to the court with the agreed timetable by **5 March 2021**.



A C E Leijnen
Environment Commissioner

Issued: Tuesday, 23 February 2021

Schedule – List of appellants

ENV-2018-CHC-000026	Transpower New Zealand Limited
ENV-2018-CHC-000027	Fonterra Co-operative Group Limited
ENV-2018-CHC-000028	Horticulture New Zealand
ENV-2018-CHC-000029	Aratiatia Livestock Limited
ENV-2018-CHC-000030	Wilkins Farming Co Limited
ENV-2018-CHC-000031	Gore District Council & others
ENV-2018-CHC-000032	DairyNZ Limited
ENV-2018-CHC-000033	H W Richardson Group Limited
ENV-2018-CHC-000034	Beef + Lamb New Zealand
ENV-2018-CHC-000035	Beef + Lamb New Zealand
ENV-2018-CHC-000036	Director-General of Conservation
ENV-2018-CHC-000037	Southland Fish and Game Council
ENV-2018-CHC-000038	Meridian Energy Limited
ENV-2018-CHC-000039	Alliance Group Limited
ENV-2018-CHC-000040	Federated Farmers of New Zealand
ENV-2018-CHC-000041	Heritage New Zealand Pouhere Taonga
ENV-2018-CHC-000042	Stoney Creek Station Limited
ENV-2018-CHC-000043	The Terraces Limited
ENV-2018-CHC-000044	Campbell's Block Limited
ENV-2018-CHC-000045	Robert Grant
ENV-2018-CHC-000046	Southwood Export Limited & Others
ENV-2018-CHC-000047	Te Rūnanga o Ngāi Tahu, Hokonui Runāka, Waihopai Runāka, Te Rūnanga o Awarua & Te Rūnanga o Oraka Aparima
ENV-2018-CHC-000048	Peter Chartres
ENV-2018-CHC-000049	Rayonier New Zealand Limited
ENV-2018-CHC-000050	Royal Forest and Bird Protection Society of New Zealand Incorporated

Appendix A mediation timeline and schedule

