

**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)

FONterra CO-OPERATIVE GROUP LIMITED
(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)

GORE DISTRICT COUNCIL, SOUTHLAND DISTRICT COUNCIL & INVERCARGILL CITY COUNCIL
(ENV-2018-CHC-31)

DAIRYNZ LIMITED
(ENV-2018-CHC-32)

H W RICHARDSON GROUP LIMITED
(ENV-2018-CHC-33)

BEEF + LAMB NEW ZEALAND
(ENV-2018-CHC-34 & 35)

DIRECTOR-GENERAL OF CONSERVATION
(ENV-2018-CHC-36)

SOUTHLAND FISH & GAME COUNCIL



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(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 POHERE
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,
SOUTHLAND PLANTATION FOREST
COMPANY OF NZ, SOUTHWOOD
EXPORT LIMITED

(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



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(ENV-2018-CHC-49)

ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NZ

(ENV-2018-CHC-50)

Appellants

AND

SOUTHLAND REGIONAL COUNCIL

Respondent

**MINUTE OF THE ENVIRONMENT COURT
(9 July 2018)**

Introduction

[1] This Minute is in response to the Memorandum of Counsel for the respondent, dated 29 June 2018, on case management matters concerning appeals on the proposed Southland Water and Land Plan ('pSWLP').

Appeals identified by topic

[2] The court presently favours organising forthcoming mediations, expert conferencing and hearings according to the topic groupings proposed (or similar). However, directions are made to allow parties opportunity for comment before directions are made.

Mr Buckingham's s274 notice concerning Federated Farmers appeal

[3] In response to the court's direction to report on any preliminary or jurisdictional issues pertaining to appeals, the only issue raised by the respondent concerns Mr Owen Buckingham's s274 notice in respect of the appeal by Federated Farmers of New Zealand (ENV-2018-CHC-40).

[4] The respondent observes that Mr Buckingham did not make a submission on the pSWLP. Having read Mr Buckingham's s274 notice, I note that he claims he has an interest greater than that of the general public as a ratepayer and resident in the upper Waiau River catchment. He identifies that his interest is in the proposed controlled activity status for Meridian Energy Limited's water take. He seeks to participate in mediation or alternative dispute resolution.



[5] Given that planning is now underway for facilitation of mediation sessions, it is timely that the question of whether or not Mr Buckingham is eligible to be a s274 party to this appeal is resolved. Therefore, directions are made for Mr Buckingham and the other relevant parties to make any submissions in response to those of the respondent (at paras [13] – [18] of the respondent’s memorandum). A determination will follow.

Separate or grouped hearings

[6] The court sees merit in the respondent’s suggestions for topic-by-topic hearings. In particular, it favours the approach anticipated of having each set of provisions for a topic (whether just objectives and policies, or in many cases, objectives, policies and rules) to be dealt with as a unit. However, as all parties have an interest in ensuring a fair and efficient process, opportunity is given for comment by memorandum before related directions are made.

Potential dates for mediations

[7] The court appreciates the efforts of the respondent to consult with appellant parties before making the suggestions concerning mediations. The organisation of suggested topics in Appendix B are sound and appropriate. Steps are underway in securing an available Environment Commissioner or Commissioners to act as facilitator(s). Parties should note that the appointed Commissioner(s) will have capacity to make directions that are to be treated as made on behalf of the court.

[8] It is flagged at this stage that, due to heavy commissioner commitments in August, the week of 13 – 17 August 2018 is not available and mediations may not be able to commence before 27 August 2018. However, parties should make preparations in anticipation that mediations will commence shortly thereafter. There will be further communication with parties once the position on availability is confirmed.

Directions

[9] It is directed:

- (a) Mr Buckingham, Federated Farmers of New Zealand (Southland Province) and Meridian Energy Limited and any other s274 party to Federated Farmers’ appeal, if wishing to make submissions in response to the



respondent's submissions concerning Mr Buckingham's s274 notice, must do so by memorandum filed by **Monday 16 July 2018**;

- (b) Any appellant or s274 party seeking to respond to the matters in the respondent's 29 June 2018 memorandum in relation to the proposed topic based approach to mediation, expert conferencing and hearings, must do so by filing a memorandum by **Monday 16 July 2018**;
- (c) Parties are to comply with any directions given or issued by an Environment Commissioner for the purposes of mediation.

[10] Leave is reserved for any party to apply for further (or other) directions.



J J M Hassan
Environment Judge

Issued: 9 July 2018

