

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

**AT CHRISTCHURCH
KI ŌTAUTAHI**

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 LTD**
(ENV-2016-CHC-26)
Appellant

FONterra CO-OPERATIVE GROUP LTD
(ENV-2018-CHC-27)
[Continued on next page]

AND **SOUTHLAND REGIONAL COUNCIL**
Respondent

**Memorandum for the Director-General of Conservation Tumuaki Ahurei
Re Directions Sought by Federated Farmers re expert conferencing on Rule 78**

Dated 11 May 2023

Department of Conservation
Planning, Permissions and Land
RMA Shared Services
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Christchurch 8140
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Solicitor Rōia: Pene Williams

BETWEEN

ARATIATIA LIVESTOCK LTD

(ENV-2018-CHC-29)

WILKINS FARMING CO

(ENV-2018-CHC-30)

GORE AND SOUTHLAND DISTRICT COUNCILS,

INVERCARGILL CITY COUNCIL

(ENV-2018-CHC-31)

DAIRYNZ LTD

(ENV-2018-CHC-32)

H W RICHARDSON GROUP LTD

(ENV-2018-CHC-33)

BEEF + LAMB NEW ZEALAND

(ENV-2018-CHC-34 AND 35)

DIRECTOR-GENERAL OF CONSERVATION

(ENV-2018-CHC-36)

SOUTHLAND FISH & GAME COUNCIL

(ENV-2018-CHC-37)

MERIDIAN ENERGY LTD

(ENV-2018-CHC-38)

FEDERATED FARMERS OF NEW ZEALAND

(ENV-2018-CHC-40)

SOUTHWOOD EXPORT LTD, SOUTHLAND PLANTATION FOREST

COMPANY OF NZ

(ENV-2018-CHC-46)

TE RUNANGA O NGAI TAHU, HOKONUI RUNAKA, WAIHOPAI

RUNAKA, TE RUNANGA O AWARUA AND TE RUNANGA O

ORAKA APARIMA

(ENV-2018-CHC-47)

RAYONIER NEW ZEALAND LTD

(ENV-2018-CHC-49)

ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NZ INC

(ENV-2018-CHC-50)

Appellants

May it please the Court,

The following matters are respectfully put forward for the Director-General of Conservation Tumuaki Ahurei (the Director-General):

1. I refer to the Court's directions dated 10 May 2023.
2. The Director-General opposes the proposed cancellation of expert conferencing on Rule 78 next week sought by Federated Farmers.
3. The Director-General continues to pursue her appeal point on Rule 78 and is interested in this being progressed as soon as possible, preferably with this matter being addressed by the expert conferencing and with evidence called as part of the 29 May 2023 hearing week.¹
4. I agree with Counsel for Fish and Game/ Forest and Bird² that it is not unusual for experts to conference on the merits while matters of scope are still live and have yet to be finally determined by the Court. The experts can be suitably briefed to address various scenarios as part of conferencing.
5. For completeness, I add the Director-General accepts there is no scope in her appeal to change the activity status of Rule 78(1).



P D Williams
Counsel Rōia for the Director-General

¹ The Director-General has only limited interests in the Appendix N sense check and will abide the Court's decision on Appendix N

² Memorandum of Counsel for Southland Fish and Game Council and the Royal Forest and Bird Protection Society of New Zealand Inc in Response to Application dated 11 May 2023