

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

UNDER the Resource Management Act 1991

IN THE MATTER 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
(ENV-2018-CHC-27)

HORTICULTURE NEW ZEALAND
(ENV-2018-CHC-28)

ARATIATIA LIVESTOCK LIMITED
(ENV-2018-CHC-29)

(Continued next page)

**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL
REGARDING TIMETABLING ISSUES
19 February 2021**

Judicial Officer: Judge Borthwick

Respondent's Solicitor
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WILKINS FARMING CO
(ENV-2018-CHC-30)

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

DAIRYNZ LIMITED
(ENV-2018-CHC-32)

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

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

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

SOUTHLAND FISH AND GAME COUNCIL
(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 POUHERE 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, KODANSHA
TREEFARM NEW ZEALAND LIMITED, SOUTHLAND
PLANTATION FOREST COMPANY OF NEW ZEALAND**
(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
(ENV-2018-CHC-49)

**ROYAL FOREST AND BIRD PROTECTION SOCIETY
OF NEW ZEALAND**
(ENV-2018-CHC-50)

Appellants

AND

SOUTHLAND REGIONAL COUNCIL

Respondent

MAY IT PLEASE THE COURT

- 1 This Memorandum of Counsel is filed on behalf of the Southland Regional Council (**Council**) in respect of mediation of the appeals against the Council's decision on the proposed Southland Water and Land Plan.
- 2 This Memorandum addresses the timetabling issues signalled at paragraph [11] of the Memorandum dated 17 February 2021.
- 3 Two parties to these proceedings have indicated to Counsel for the Council that they have issues with the proposed timetable for mediation. Those parties have now conferred with Counsel, and their availability issues are summarised below.
- 4 A representative from Southland Fish and Game Council (**Fish & Game**) and experts and representatives from Ngā Rūnanga,¹ who wish to be involved in mediations, are unavailable for some of the dates currently shown in the proposed mediation timetable as they will be exercising their customary rights on the Tītī Islands. The Tītī season officially commences on 1 April and continues through to 31 May each year.
- 5 In particular, we are advised that:
 - (a) Fish & Game's representative, Mr Moss, is unavailable between 17 and 30 April 2021; and
 - (b) Ngā Rūnanga's experts/representatives are likely to be unavailable between mid-March and 17 May 2021.²
- 6 We have been advised by Counsel for Fish & Game that Topic B5, which is currently proposed to be set down for mediation during the period Mr Moss is unavailable, is of critical importance to Fish & Game.
- 7 Based on the significant length of unavailability, Counsel cannot see how the proposed timetable can be amended to accommodate these requests while still meeting the Court's direction that mediation be concluded by 1 June 2021.

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

² Counsel for Ngā Rūnanga are not currently in a position to advise who will be unavailable, or the exact dates on which they will be unavailable.

- 8 In the light of these issues, Counsel seeks further directions from the Court in relation to the timetable.
- 9 Counsel for the Council notes that the Council has no unavailability issues other than the week beginning 17 May 2021, where Counsel is otherwise engaged in an Environment Court hearing.
- 10 Counsel for the Council is available at short notice for a teleconference should that be of assistance.

DATED this 19th day of February 2021



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P A C Maw / A M Langford
Counsel for the Southland Regional Council