

**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)

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**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL  
ENCLOSING AGREED TIMETABLE  
5 March 2021**

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Judicial Officer: Judge Borthwick

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Respondent's Solicitor  
PO Box 4341 CHRISTCHURCH 8140  
DX WX11179  
Tel +64 3 379 7622  
Fax +64 379 2467

**WYNNWILLIAMS**

Solicitor: P A C Maw  
(philip.maw@wynnwilliams.co.nz)

**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 responds to the Minute dated 23 February 2021 (**Minute**). In the Minute, Commissioner Leijnen directed the parties to confer with the intent of finding a way through the concerns expressed by the Ngā Rūnanga parties and representative for the Southland Fish and Game Council.
- 3 Counsel for the Council has liaised with those parties, and with Counsel for Aratiatia Livestock Limited, regarding their availability issues and how these could be resolved.
- 4 The Council, Ngā Rūnanga, Southland Fish & Game Council, and Aratiatia Livestock Limited have agreed on a revised timetable that resolves all of their availability issues. A copy of the agreed timetable is attached as **Appendix A**.
- 5 Counsel for the Council has provided this agreed timetable to all parties and asked that they advise if this revised timetable raises any availability issues for them. No availability issues with respect to the agreed timetable have been raised by any party as at the time of filing this Memorandum.

**Directions sought**

- 6 Counsel for the Council respectfully requests that:
  - (a) the agreed timetable, attached as Appendix A, be confirmed; and
  - (b) that mediations be set down on the dates set out in the agreed timetable, attached as Appendix A.

**DATED** this 5<sup>th</sup> day of March 2021



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

# Appendix A

## Proposed Mediation Timeline

Order and Grouping of Topics	Duration Estimate	Week Commencing																				
		FEB			MARCH				APRIL				MAY				June					
		8	15	22	1	8	15	22	29	5	12	19	26	3	10	17	24	31	7	14	21	28
B7: Other (Heritage, Burning, Consents) (<1 day)	3.25 days								Ascot													
B1: Water Takes (1 day)									Ascot													
B2: Water Quality/Discharge (2 days)									Ascot													
B5: Farming	5 days																					
B4: Bed Disturbance	2-3 days																					
B3: Wetlands/Indigenous Biodiversity																						
B6: Infrastructure	1-2 days																					

**Notes:**

Primary Venue - Ascot  
 Secondary Venue - Transport World  
 (other options - Working Men's Club; ILT)

NB: short week (Easter Monday & Friday)  
 NB: short week (Easter Monday & Southland Anniversary)

29 March to 1 April  
 (Monday to Thursday)

11 May to 13 May  
 (Tuesday to Thursday)

25 May to 28 May  
 (Tuesday to Friday)

21 June to 25 June  
 (Monday to Friday)

**Proposed dates for mediation:**

KEY
1. NPS and NES Analysis
2. Confer with parties on interests and reasons for relief
3. Council to circulate technical papers, inviting comment from parties
4. Parties to review technical papers and provide any comment
5. Council to circulate final version of technical papers, options paper (incl s 32 analysis) and indication of its position
<b>MEDIATION</b>

Please refer to the Environment Court Minute dated 1 December 2020 for the full directions (including due dates for each step)