

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
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)  
**FONterra CO-OPERATIVE GROUP LTD**  
(ENV-2018-CHC-27)  
**HORTICULTURE NEW ZEALAND**  
(ENV-2018-CHC-28)  
[Continued on next page]  
Appellants

**AND** **SOUTHLAND REGIONAL COUNCIL**  
Respondent

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**Memorandum for Director-General of Conservation Tumuaki Ahurei  
Appellant and section 274 Party**

Dated 13 October 2021

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**Department of Conservation Te Papa Atawhai**  
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Solicitor Rōia: Pene Williams

**AND 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 Tumuaki Ahurei (ENV-2018-CHC-36)**

**SOUTHLAND FISH & GAME COUNCIL (ENV-2018-CHC-37)**

**MERIDIAN ENERGY LTD (ENV-2018-CHC-38)**

**ALLIANCE GROUP LTD (ENV-2018-CHC-39)**

**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)**

**PETER CHARTRES (ENV-2018-CHC-48)**

**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 submitted on behalf of the Director-General of Conservation Tumuaki Ahurei (the Director-General):

**Introduction**

1. This Memorandum responds to the Court's directions dated 4 October 2021.
2. The Director-General is an Appellant (ENV-2018-CHC-26) and a section 274 Party on several appeals on the proposed Southland Water and Land Plan.

*Evidence exchange timetable*

3. The evidence timetable proposed by the Council is challenging for the Director-General's witnesses due to prior commitments.<sup>1</sup>
4. I support the amended timetable proposed by Mr Christensen for Meridian Energy Ltd, and in particular that all expert witnesses are to file 'will say' statements including any marked-up changes on the same date, that is by 12 November 2021. I also support the amended timetable from January 2022 with the intention that all parties are ready to start the hearing from 14 March 2022.

*Issues to be resolved/ decided*

5. The Director-General agrees with the table in the Council's Memorandum of 24 September 2021, Appendix B other than in relation to:
  - Topic B1, Water Takes, issue 17, the Director-General's appeal point on Appendix L.5 the Te Anau Groundwater Zone is resolved.
  - Topic B4, Bed Disturbance, Issues 12, 13, 14 and 16, Rule 78, the Director-General, Council, and other parties are still in discussion post mediation, and it is hoped these issues will still be able to be agreed without a hearing.
6. The Director-General agrees with the table in the Council's Memorandum of 24 September 2021, Appendix A setting out matters agreed between the parties in mediation. I do note, as yet these agreements have not been accepted by the Court. If some mediation agreements are not accepted there will need to be a process developed to address this.

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<sup>1</sup> One witness is involved in the Greater Wellington Natural Resources Regional Plan EnvC appeals which have evidence due in October and a hearing set for 29 November – 10 December.

*Witnesses to be called by the Director-General*

7. The Director-General intends to call three witnesses as follows:
- a planning witness, likely Ms Linda Kirk but to be confirmed
  - a freshwater ecology witness, Mrs Emily Funnell
  - a non-expert witness to provide context about the Department of Conservation Te Papa Atawhai's relationships with Meridian and the Guardians of Lakes Manapōuri and Te Anau – this relates to Topic B6.

*Expert witness availability for conferencing*

8. Ms Kirk (planning) has constraints in the period 22 November – 10 December 2021, as she is the Director-General's planning witness in the Greater Wellington Natural Resources Regional Plan Environment Court Appeals which are set down for hearing between 29 November and 10 December inclusive – although negotiations between the parties are continuing with a view to settling. At this time Ms Kirk doesn't know when she will be required to present evidence in Court for that matter.
9. Mrs Funnell (freshwater ecology) works part-time, does not work Fridays, and she is unavailable on 26 November and 3 and 10 December. She is also co-presenting a kanakana (lamprey) workshop on 8 December. Otherwise, she is available to attend expert conferencing – with a preference this be by AVL.

*Counsel's attendance at Pre-hearing Conference by AVL*

10. I will represent the Director-General at the pre-hearing conference on 19 October and attend by AVL.



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P Williams

Counsel Rōia for the Director-General of Conservation Tumuaki Ahurei

13 October 2021