

**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-026)
... (continued on page 5)
Appellants
AND SOUTHLAND REGIONAL COUNCIL
Respondent

**MINUTE OF THE ENVIRONMENT COURT
(11 September 2018)**

Introduction

[1] According to the Environment Court's Practice Note, the pre-hearing conference ('PHC') is to ensure proper preparation for the fair and efficient hearing of the appeals concerning the proposed Southland Water and Land Plan ('pSWLP'). On the basis of memoranda filed and the court's related Minutes, matters to be covered include:

- (a) the content and timing of the 'Initial Planning Statement';
- (b) topics for and sequence of mediations and hearings;
- (c) preliminary procedural applications and directions; and
- (d) related directions.

[2] The Council, and interested parties, should come to the PHC prepared to assist the court on these matters.



The content and timing of the ‘Initial Planning Statement’

[3] Parties are referred to the court’s Minute dated 25 July 2018, particularly at [8]. The court has received related memoranda on behalf of the Council and other parties.¹

[4] Matters to be addressed include:

- (a) what will be traversed in the Initial Planning Statement?
- (b) when it will be filed in advance of mediations and the filing of other evidence?

Topics for and sequence of mediations and hearings

[5] The Annexure breaks down the court’s present understanding of topics and subtopics. However, those are not to be taken as final. Rather, they reflect the position, informed by various Council memoranda, as set out at [17] of the Minute dated 25 July. Matters to be traversed are:

- (a) allocation of topics into a suitable sequence of hearing (and mediation) tranches, and, for each such tranche, identifying all relevant associated provisions, appellants and s274 parties;
- (b) determination of which of the topics will be referred to mediation;
- (c) identification of the topic or topics for the first hearing in 2019;
- (d) anticipated timing and duration of that hearing; and
- (e) directions for sequential evidence filing and expert witness conferencing for that first hearing.

Preliminary procedural applications and directions

[6] On some preliminary applications as to scope, the parties have filed submissions according to the court’s directions and decisions are awaited.

[7] In addition, matters on which directions are sought include:

¹ Memoranda of counsel on behalf of Rayonier New Zealand Limited (dated 28 August and 10 September 2018), Southland Fish and Game Council and Royal Forest and Bird Protection Society of NZ Inc (dated 7 September 2018) and Southland Regional Council (dated 7 September 2018).



- (a) Federated Farmers' application to amend its appeal (Ms Lenihan);
- (b) Rayonier's application for directions as to the Initial Planning Statement, ss 32(4) and 293, and the Council's proposed related timetable directions for submissions (and the response to these matters on behalf of Southland Fish and Game Council and Royal Forest and Bird Protection Society Inc).

Direction

[8] Any party attending the 12 September 2018 pre-hearing conference and seeking that any other matter(s) be traversed at the PHC, must file a memorandum identifying the particular matter(s) and giving an indication of the ruling or direction sought by **9.00 a.m. tomorrow 12 September.**



J J M Hassan
Environment Judge

J E Borthwick
Environment Judge

Issued:

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|---|--|
| Topics A: Horizontal consideration of pSWLP's issues, objectives and specified policies | <i>Topics A1 – A6:</i> |
| | A1 Issues (including state-of-the environment matters) and Physiographic Zones (pp 19-22) |
| | A2 Objectives (possibly except for 10 and 17) |
| | A3 Ngāi Tahu Policies 1 – 3 |
| | A4 Physiographic Policies 4 – 12A |
| | |
| Topics B: Vertical consideration of remaining objectives, policies, rules and other provisions pertaining to B1 – B7 | <i>Topics B1 – B7</i> |
| | B1 Water Take |
| | B2 Water Quality/Discharge [possibly in conjunction with or immediately prior to Wastewater and Agricultural Effluent] |
| | B3 Wetlands/Indigenous Biodiversity (including Objective 17) |
| | B4 Bed Disturbance |
| | B5 Farming [possibly in conjunction with or immediately prior to Cultivation] |
| | B6 Infrastructure (including Objective 10) |
| | B7 Other (remaining provisions) |
| | |
| Topic C Any s293 directions | |



List of Appellants

| | |
|------------------------|---|
| ENV-2018-CHC-027 | Fonterra Co-Operative Group Limited |
| ENV-2018-CHC-028 | Horticulture New Zealand |
| ENV-2018-CHC-029 | Aratiatia Livestock Limited |
| ENV-2018-CHC-030 | Wilkins Farming Co |
| ENV-2018-CHC-031 | Gore District Council, Southland District Council and Invercargill City Council |
| ENV-2018-CHC-032 | DairyNZ Limited |
| ENV-2018-CHC-033 | H W Richardson Group Limited |
| ENV-2018-CHC-034 & 035 | Beef + Lamb New Zealand |
| ENV-2018-CHC-036 | Director-General of Conservation |
| ENV-2018-CHC-037 | Southland Fish & Game Council |
| ENV-2018-CHC-038 | Meridian Energy Limited |
| ENV-2018-CHC-039 | Alliance Group Limited |
| ENV-2018-CHC-040 | Federated Farmers of New Zealand |
| ENV-2018-CHC-041 | Heritage New Zealand Pohere Taonga |
| ENV-2018-CHC-042 | Stoney Creek Station Limited |
| ENV-2018-CHC-043 | The Terraces Limited |
| ENV-2018-CHC-044 | Campbell's Block Limited |
| ENV-2018-CHC-045 | Robert Grant |
| ENV-2018-CHC-046 | Southwood Export Limited, Southland Plantation Forest Company of NZ, Southwood Export Limited |
| ENV-2018-CHC-047 | Te Rūnanga O Ngāi Tahu, Hokonui Rūnaka, Waihopai Rūnaka, Te Rūnanga O Awarua and Te Rūnanga O Oraka Aparima |
| ENV-2018-CHC-048 | Peter Chartres |
| ENV-2018-CHC-049 | Rayonier New Zealand Limited |
| ENV-2018-CHC-050 | Royal Forest and Bird Protection Society of NZ Inc |

