

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

IN THE MATTER of the Resource Management Act 1991  
AND of appeals pursuant to clause 14 of the First  
Schedule of the Act  
BETWEEN TRANSPOWER NEW ZEALAND LIMITED  
(ENV-2018-CHC-26)  
... (continued on last page)  
Appellant  
AND SOUTHLAND REGIONAL COUNCIL  
Respondent

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**MINUTE OF THE ENVIRONMENT COURT  
(29 May 2019)**

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[1] This Minute is released for the purpose of case management, by way of response to the Southland Regional Council's memorandum dated 24 May 2019 and a number of other memoranda from parties ahead of next week's hearing.

[2] Before I turn to those matters, parties are advised that the bench comprises of myself, Environment Commissioner Dr Ruth Bartlett and Deputy Environment Commissioner Glenice Paine. Commissioner Paine's whakapapa includes Te Atiawa and Ngai Tahu (but not the rūnanga papatipu of Murihiku).

[3] Mr Russell Howie, as previously advised, has been appointed special advisor.

**Matters raised by the Regional Council**

[4] The court adopts the Regional Council's proposed order of cross-examination commencing with the Regional Council, then followed by the appellants and s 274 parties in turn. The Regional Council will confirm this is the order shown in the schedule for cross-examination attached to the above memorandum.



[5] Subsequent to the filing of the Council's rebuttal evidence, an error in their planner Mr McCullum-Clark's rebuttal was noticed. While this was remedied and refiled within a couple of hours, the Council seeks leave<sup>1</sup> to refile the evidence (out of an abundance of caution). Given there was no prejudice to any party leave is granted as sought. I also acknowledge the Regional Council's formal withdrawal<sup>2</sup> of its request for directions in relation to Fish and Game's evidence.

[6] Leave is granted to the Regional Council to make closing submissions after all the evidence is heard.

[7] No directions are made regarding the filing of supplementary evidence by the Regional Council in response to matters arising during the course of the hearing. This matter may be revisited by the court during the hearing.

### **Evidence**

[8] The court will indicate at the commencement of the hearing whether more time is required for reading. That said, the parties are to assume the evidence will be taken as read.

[9] The court has not met as a bench to confer on the evidence. Unless otherwise directed, all witnesses are required by the court.

### **Planning evidence**

[10] Some planning witnesses have appended to the end of their evidence a schedule of proposed amendments, the court has found this of considerable assistance.

[11] I direct all parties produce, at the commencement of the hearing, a table of amendments being proposed by their respective planning witnesses. The tables are to be formally produced in evidence by the witness during the course of the hearing.



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<sup>1</sup> Memorandum of counsel for SRC re rebuttal evidence dated 27 May 2019.  
<sup>2</sup> Memorandum of counsel for SRC regarding the directions sought in relation to Fish and Game evidence dated 27 May 2019.

### Common bundle

[12] The Regional Council is reminded it is required to produce a common bundle, including the planning instruments, at the commencement of hearing. The planning instruments are to include all relevant National Policy Statements together with the RPS.

[13] The bench would like the Regional Council to clarify in its opening submission the objectives and policies of the NPS FW that the pSWLP is said to give effect too. Note, the court has read pp10 of the s 32AA report.

### Hearing time

[14] By the Council's predictions, an extra day of hearing is required. However counsel for the Council have a High Court matter on the Monday following the first two weeks of hearing. Accordingly, if more hearing time is required, the proceedings will resume on **Tuesday 18 June 2019 and continue to Thursday 20 June 2019.**

### Leave

[15] Leave has been sought by counsel for the following parties to be excused from attending hearing (in some instances partially):

- (a) the Oil Companies in its memorandum dated 27 May 2019, seek leave for Mr Enright to attend the hearing. I will grant leave on the basis that the Oil Companies have no interest in Topic A;
- (b) Meridian Energy Limited and Alliance Group Limited in its memorandum dated 28 May 2019; and
- (c) Federated Farmers in its memorandum dated 28 May 2019.

### Directions

[16] I direct leave is granted for:

- (a) Mr Enright, counsel for the Oil Companies, to be excused from attending the duration of the Topic A hearing, on the basis that the Oil Companies' have no interest in the Topic A hearing;



- (b) Mr Christensen, counsel for Meridian Energy Limited and Alliance Group Limited, to be excused from the hearing on Wednesday 19 June 2019 (should that week be required) from the lunch break onwards, on the basis that Meridian Energy and Alliance Group will continue to be represented;
- (c) Dr James to give evidence in the week of 10 June 2019 (given a prior commitment in the following week); and
- (d) Ms Lenihan, counsel for Federated Farmers, to be excused at 3.00pm on Friday 14 June 2019.

[17] In accordance with the court's Minute dated 5 March 2019, parties are able to apply for leave to be excused from attending the Topic A hearing up until Friday 31 May 2019.

  
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**J E Borthwick**  
**Environment Judge**



Issued:

**29 MAY 2019**

### List of appellants

ENV-2018-CHC-27	Fonterra Co-Operative Group Ltd
ENV-2018-CHC-28	Horticulture New Zealand
ENV-2018-CHC-29	Aratiatia Livestock Limited
ENV-2018-CHC-30	Wilkins Farming Co
ENV-2018-CHC-31	Gore District Council, Southland District Council and Invercargill City Council
ENV-2018-CHC-32	DairyNZ Limited
ENV-2018-CHC-33	H W Richardson Group Limited
ENV-2018-CHC-34 & 35	Beef + Lamb New Zealand
ENV-2018-CHC-36	Director-General of Conservation
ENV-2018-CHC-37	Southland Fish & Game Council
ENV-2018-CHC-38	Meridian Energy Limited
ENV-2018-CHC-39	Alliance Group Limited
ENV-2018-CHC-40	Federated Farmers of New Zealand
ENV-2018-CHC-41	Heritage New Zealand Pouhere Taonga
ENV-2018-CHC-42	Stoney Creek Station Limited
ENV-2018-CHC-43	The Terraces Limited
ENV-2018-CHC-44	Campbell's Block Limited
ENV-2018-CHC-45	Robert Grant
ENV-2018-CHC-46	Southwood Export Limited, Southland Plantation Forest Company of NZ, Southwood Export Limited
ENV-2018-CHC-47	Te Rūnanga o Ngāi Tahu, Hokonui Rūnaka, Waihopai Rūnaka, Te Rūnanga o Awarua & Te Rūnanga o Oraka Aparima
ENV-2018-CHC-48	Peter Chartres
ENV-2018-CHC-49	Rayonier New Zealand Limited
ENV-2018-CHC-50	Royal Forest and Bird Protection Society of NZ Inc

