

BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH

I MUA I TE KŌTI 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 ARATIATIA LIVESTOCK LIMITED  
(ENV-2018-CHC-29)  
... (and all other appellants)  
Appellants  
AND SOUTHLAND REGIONAL COUNCIL  
Respondent

---

MINUTE OF THE ENVIRONMENT COURT  
(1 October 2020)

---

**Introduction**

[1] This Minute is issued for the purpose of case management and responds to the matters raised in the memorandum filed by Southland Regional Council dated 25 September 2020.

**Section 32AA report**

[2] The s 32AA report is to address Topic A objectives only and I will make the direction proposed for the date by which this report is to be filed.

[3] Subject to the s 32AA report, the court will approve the objectives set out in **Attachment A** to this Minute. Attachment A includes the editorial changes proposed by the parties.



[4] While a final decision on policies contained in Attachment A is pending resolution of the Topic B appeals, going forward parties are to respect the court's findings in relation to these provisions.

**Essential Freshwater package<sup>1</sup>**

[5] I will make the directions sought by the Regional Council at paragraph [54] of its memorandum.

**Topic B**

[6] I note that the outstanding matters under appeal have been divided into seven broad topic groups and labelled Topics B1-7.

***Topics B1, B2, B3, B4 and B5***

[7] For these topics, parties request expert conferencing and mediation in 2021. That being the case, I will defer making directions. However, I ask the parties to consider whether the mediation process proposed for Topic B7 would address their differences as to whether expert conferencing should precede mediation.

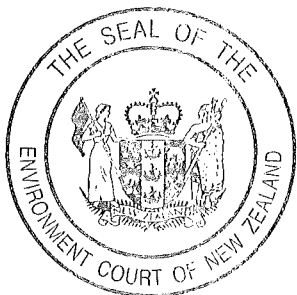
***Topic B6***

[8] The Regional Council proposes the entirety of Topic B6 (Infrastructure) be set down for a hearing. Before I do this, the parties will need to consider the timing and sequencing of this hearing relative to the determination of the other Topic B appeals.

[9] If the other parties agree with the Regional Council, they are to confer and propose a timetable for evidence exchange. If they do not agree, they are to say why and set out the directions they seek.

***Topic B7***

[10] The Registry has requested the Regional Council to give an indication by Friday 2 October 2020 of the time required for mediation.




---

<sup>1</sup> National Policy Statement for Freshwater Management 2020 ("NPSFM 2020"), Resource Management (National Environmental Standard for Freshwater) Regulations 2020 ("NES"); Resource Management (Stock Exclusion) Regulations 2020 ("Stock Exclusion Regulations").

*Mediation process*

[11] Unexpectedly, the parties have opposing views as to whether there should be expert conferencing ahead of mediation on Topic B appeals.

[12] In the last Minute, I reminded parties that the court's commissioner resources are finite and unevenly distributed around the country. Nothing has changed. The planning witnesses have demonstrated they are able to effectively conference without an Environment Commissioner facilitating and it is our expectation that this will continue even though one or more parties may refuse to participate. Any expert conferencing is to conform to the Environment Court Practice Note 2014: Appendix 3.

[13] Presently, mediation tends to unfold organically, with the parties setting out their respective positions at the commencement of mediation. I propose to modify this format insofar as the Environment Commissioner (if appointed) will work with the parties to:

- (a) facilitate the identification of contested facts and opinions, the resolution of which may or will be important for the parties to agree as a basis for subsequently settling the matter(s) in dispute.

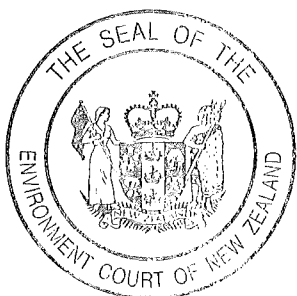
While it is for the commissioner to determine, I suggest this process be commenced by the Regional Council setting out the relevant facts and background (including their understanding of the significant resource management issues that arise), with the other parties afforded an opportunity to review and complement that material as necessary;

- (b) as part of (a) lead, in advance of mediation, a robust distillation of the issues in dispute to provide the basis for the parties' agenda at mediation.

[14] To achieve this, prior to the mediation the Regional Council will:

Firstly

- (a) confer with each of the parties on their interest(s) in Topic B7 and reasons for seeking change. If the planning witnesses or other expert witnesses for two or more parties have conferenced independently in accordance



with the Court's Practice Note and reached an agreed position on relief, their joint witness statement will be provided to the Regional Council;<sup>2</sup> and

- (b) circulate technical paper(s) setting out relevant facts and significant resource management issues that arise from the same and inviting comment from the parties' expert advisors for inclusion in the paper(s).<sup>3</sup> As this is a Regional Plan, I anticipate these reports will be from persons other than the planning witnesses.

Secondly

- (c) prior to the mediation, circulate:
- (i) the final copy of the technical paper(s);
  - (ii) an options paper which identifies the relief proposed by the parties and evaluates the relief in line with s 32AA of the Act; and
  - (iii) an indication, without prejudice, as to whether the Regional Council will:
    - consider adopting with or without amendment the relief sought;
    - propose an alternative relief and evaluating the relief in line with s 32AA; or
    - support the Decision Version of the pSWLP (without amendment).

[15] I will direct the parties to respond to the above proposal.

*Expert conferencing*

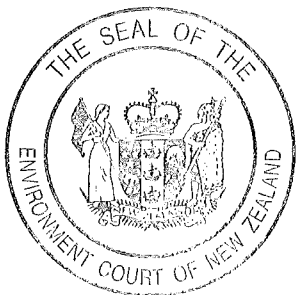
[16] Meantime, Ngā Rūnanga seeks expert conferencing on the Topic B7 issue as to 'what is a river' and 'what is a wetland'. The Regional Council says this is a legal question.

[17] I would have thought this a factual question or perhaps a mixed question of fact and law which, once known, the policies in the pSWLP may or may not appropriately respond. Regardless of which is correct, as framed the topics are too broad for an expert conference. I suggest that what is missing is a sense of the significant resource management issues that arise in relation to rivers and wetlands. Do not the issues inform

---

<sup>2</sup> The primary sector is an example of where this occurred during Topic A hearing.

<sup>3</sup> In making this suggestion, the court is not proposing a 'will-say' brief as proposed by the Regional Council.



the policy response (including any 'do-nothing' response)? Further, is there not a protocol for identifying wetlands in the 2020 National Policy Statement for Freshwater Management? The mediation process described above may provide a way forward.

### **Directions**

#### *Section 32AA Report*

[18] The Regional Council will provide a section 32AA report on objectives 2, 3, 6, 7, 9/9A, 9B, 10, 13/13A/13B, 14, 17 and 18 by **Friday 30 October 2020**.

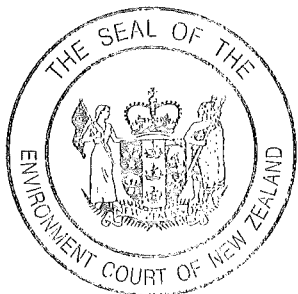
#### *Essential Freshwater package*

[19] Four weeks prior to mediation on a Topic, the Regional Council is to provide the parties with a statement in relation to the issues covered by that Topic, addressing:

- (a) which parts of the NPSFM 2020 the Council intends to implement in the pSWLP;
- (b) which appeal points the Council considers provide scope to implement those parts of the NPSFM 2020 identified pursuant to (a) above;
- (c) whether any provisions in the Topic are considered to duplicate or conflict with the NES or Stock Exclusion Regulations, or cover similar matters such that some appeal points may become moot;
- (d) whether any appeal points in the Topic seek relief that is considered to duplicate or conflict with the NES; and
- (e) whether any appeal points in the Topic seek relief that is moot as a result of the Stock Exclusion regulations.

#### *Topic B6*

[20] By **Friday 30 October 2020**, the Regional Council, having conferred with the other parties, will file a memorandum proposing an agreed timetable for evidence exchange. Alternatively, if the parties do not agree that this Topic should proceed to a hearing ahead of other Topic B matters, the Regional Council's memorandum should set out the parties' positions and the directions they seek.



*Topic B7 and Mediation Process*

[21] By **Friday 16 October 2020**, the Regional Council, having conferred with the other parties will file a separate memorandum responding to the mediation process set out above and, if a date for mediation is known, proposing directions to achieve the same.

[22] Leave is reserved for parties to seek further (or other) directions.

*Case 3*

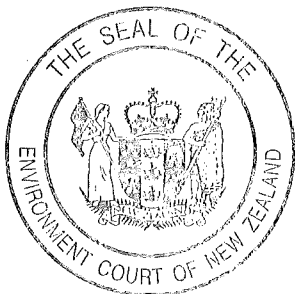
---

**J E Borthwick**  
**Environment Judge**  
Issued: 1 October 2020

The seal of the Environment Court of New Zealand is circular. It features the text "THE SEAL OF THE" at the top and "ENVIRONMENT COURT OF NEW ZEALAND" at the bottom. In the center is the coat of arms of New Zealand, which includes a crown, two figures holding a shield, and a banner below with the motto "EUREKA".

### List of appellants

ENV-2018-CHC-000026	Transpower New Zealand Limited
ENV-2018-CHC-000027	Fonterra Co-operative Group Limited
ENV-2018-CHC-000028	Horticulture New Zealand
ENV-2018-CHC-000029	Aratiatia Livestock Limited
ENV-2018-CHC-000030	Wilkins Farming Co Limited
ENV-2018-CHC-000031	Gore District Council & others
ENV-2018-CHC-000032	DairyNZ Limited
ENV-2018-CHC-000033	H W Richardson Group Limited
ENV-2018-CHC-000034	Beef + Lamb New Zealand
ENV-2018-CHC-000035	Beef + Lamb New Zealand
ENV-2018-CHC-000036	Director-General of Conservation
ENV-2018-CHC-000037	Southland Fish and Game Council
ENV-2018-CHC-000038	Meridian Energy Limited
ENV-2018-CHC-000039	Alliance Group Limited
ENV-2018-CHC-000040	Federated Farmers of New Zealand
ENV-2018-CHC-000041	Heritage New Zealand Pouhere Taonga
ENV-2018-CHC-000042	Stoney Creek Station Limited
ENV-2018-CHC-000043	The Terraces Limited
ENV-2018-CHC-000044	Campbell's Block Limited
ENV-2018-CHC-000045	Robert Grant
ENV-2018-CHC-000046	Southwood Export Limited & Others
ENV-2018-CHC-000047	Te Rūnanga o Ngāi Tahu, Hokonui Runāka, Waihopai Runāka, Te Rūnanga o Awarua & Te Rūnanga o Oraka Aparima
ENV-2018-CHC-000048	Peter Chartres
ENV-2018-CHC-000049	Rayonier New Zealand Limited
ENV-2018-CHC-000050	Royal Forest and Bird Protection Society of New Zealand Incorporated



## Annexure A

### Interpretation Statement<sup>1</sup>

All persons exercising functions and powers under this Plan and all persons who use, develop or protect resources to which this Plan applies shall recognise that:

- (i) Objectives 1 and 2 are fundamental to this plan, providing an overarching statement on the management of water and land, and all objectives are to be read together and considered in that context; and
- (ii) The plan embodies ki uta ki tai and upholds Te Mana o Te Wai and they are at the forefront of all discussions and decisions about water and land.

### Objective 2<sup>2</sup>

The mauri of water provides for te hauora o te taiao (health and mauri of the environment), te hauora o te wai (health and mauri of the waterbody) and te hauora o te tangata (health and mauri of the people).

### Objective 3<sup>3</sup>

Water and land are recognised as enablers of the economic, social and cultural wellbeing of the region.

### Objective 6<sup>4</sup>

Water quality in each freshwater body, coastal lagoon and estuary will be:

- (a) maintained where the water quality is not degraded; and
- (b) improved where the water quality is degraded by human activities.

---

<sup>1</sup>Second Interim Decision [2020] NZEnvC 93 and Third Interim Decision [2020] NZEnvC 110.

<sup>2</sup> Second Interim Decision [2020] NZEnvC 93, Third Interim Decision [2020] NZEnvC 110 and Minute dated 5 August 2020. Note: as signalled, the court will issue corrigendum and correct the third Interim Decision pursuant to R 11.10 District Court Rules.

<sup>3</sup> First Interim Decision [2020] NZEnvC 93.

<sup>4</sup> First Interim Decision [2020] NZEnvC 93, memorandum of counsel dated 4 August 2020 and Minute dated 31 August 2020.





**Objective 7<sup>5</sup>**

Following the establishment of freshwater objectives, limits, and targets (water quality and quantity) in accordance with the Freshwater Management Unit processes:

- (a) where water quality objectives and limits are met, water quality shall be maintained or improved;
- (b) any further over-allocation of freshwater is avoided; and
- (c) any existing over-allocation is phased out in accordance with freshwater objectives, targets, limits and timeframes.

**Objective 9/9A<sup>6</sup>**

The quantity of water in surface waterbodies is managed so that:

- (a) the life-supporting capacity and aquatic ecosystem health, the values of outstanding natural features and landscapes, the natural character and the historic heritage values of waterbodies and their margins are safeguarded;
- (b) there is integration with the freshwater quality objectives (including the safeguarding of human health for recreation); and
- (c) provided that (a) and (b) are met, surface water is sustainably managed in accordance with Appendix K to support the reasonable needs of people and communities to provide for their economic, social and cultural wellbeing.

**Objective 9B<sup>7</sup>**

The importance of Southland's regionally and nationally significant infrastructure is recognised and its sustainable and effective development, operation, maintenance and upgrading enabled.

**Amend Issues: p 17<sup>8</sup>**

Some of these activities can have positive effects on the natural environment, for example, bridges and culverts allow access across a river without disturbing the bed. Other activities, such as infrastructure, are important to enable people and

---

<sup>5</sup> First Interim Decision [2020] NZEnvC 93 and memorandum of counsel dated 4 August 2020.

<sup>6</sup> First Interim Decision [2020] NZEnvC 93, Minute dated 31 August 2020 and memorandum of counsel dated 9 September 2020.

<sup>7</sup> First Interim Decision [2020] NZEnvC 93 and memorandum of counsel dated 4 August 2020.

<sup>8</sup> Memorandum of counsel dated 4 August 2020 and Minute dated 31 August 2020.



communities to provide for their economic, cultural, and social wellbeing. These activities can also have adverse effects on the environment, including generating sediment, disturbing habitat and preventing fish passage.

**Objective 10<sup>9</sup>**

The national importance of the existing Manapōuri hydro-electric generation scheme in the Waiau catchment is provided for and recognised in any resulting flow and level regime.

**Objective 13<sup>10</sup>**

Provided that:

- (a) the quantity, quality and structure of soil resources are not irreversibly degraded through land use activities or discharges to land; and
- (b) the health of people and communities is safeguarded from the adverse effects of discharges of contaminants to land and water; and
- (c) ecosystems (including indigenous biological diversity and integrity of habitats), are safeguarded,

then land and soils may be used and developed to enable the economic, social and cultural wellbeing of the region.

**Objective 14<sup>11</sup>**

The range and diversity of indigenous ecosystems and habitats within rivers, estuaries, wetlands and lakes, including their margins, and their life-supporting capacity are maintained or enhanced.

---

<sup>9</sup> First Interim Decision [2020] NZEnvC 93 and memorandum of counsel dated 4 August 2020

<sup>10</sup> First Interim Decision [2020] NZEnvC 93, Minute dated 31 August 2020, memorandum of counsel dated 9 September 2020 and memorandum of counsel dated 25 September 2020.

<sup>11</sup> First Interim Decision [2020] NZEnvC 93, memorandum of counsel dated 4 August 2020 and Minute dated 31 August 2020.



**Objective 17<sup>12</sup>**

Preserve the natural character values of wetlands, rivers and lakes and their margins, including channel and bed form, rapids, seasonably variable flows and natural habitats, and protect them from inappropriate use and development.

**Objective 18<sup>13</sup>**

All persons implement environmental practices that optimise efficient resource use, safeguard the life supporting capacity of the region's land and soils, and maintain or improve the quality and quantity of the region's water resources.

**Policy 3<sup>14</sup>**

To manage activities that adversely affect taonga species, identified in Appendix M, and their related habitats.

**Policy 4<sup>15</sup>**

In the Alpine physiographic zone:

1. avoid, as a first priority, risk to water quality from erosion and contaminants, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised by:
  - i. identifying contaminant pathways to ground and surface water bodies;
  - ii. requiring implementation of good management practices to manage erosion and adverse effects on water quality from contaminants transported via overland flow;
  - iii. having particular regard to adverse effects of contaminants transported via overland flow when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and

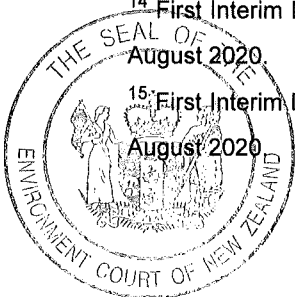
---

<sup>12</sup> First Interim Decision [2020] NZEnvC 93, memorandum of counsel dated 4 August 2020, Minute dated 31 August 2020 and memorandum of counsel dated 25 September 2020.

<sup>13</sup> Minute dated 11 September 2020.

<sup>14</sup> First Interim Decision [2020] NZEnvC 93, memorandum of counsel dated 4 August 2020 and Minute dated 31 August 2020.

<sup>15</sup> First Interim Decision [2020] NZEnvC 93, memorandum of counsel dated 4 August 2020 and Minute dated 31 August 2020.



2. prohibiting dairy farming and intensive winter grazing and avoiding cultivation where contaminant losses will increase as a result of the proposed activity.

### **Policy 5<sup>16</sup>**

In the Central Plains physiographic zone:

1. avoid, as a first priority, risk to water quality from contaminants, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised by:
  - i. identifying contaminant pathways to ground and surface water bodies;
  - ii. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage and deep drainage;
  - iii. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage and deep drainage when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and
2. avoid dairy farming and intensive winter grazing where contaminant losses will increase as a result of the proposed activity.

### **Policy 6<sup>17</sup>**

In the Gleyed physiographic zone avoid, as a first priority, risk to water quality from contaminants, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised by:

1. identifying contaminant pathways to ground and surface water bodies;
2. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant; and

---

<sup>16</sup> First Interim Decision [2020] NZEnvC 93, memorandum of counsel dated 4 August 2020, Minute dated 31 August 2020 and memorandum of counsel dated 25 September 2020.

<sup>17</sup> First Interim Decision [2020] NZEnvC 93, memorandum of counsel dated 4 August 2020, Minute dated 31 August 2020 and memorandum of counsel dated 25 September 2020.



3. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans.

#### **Policy 7<sup>18</sup>**

In the Bedrock/Hill Country physiographic zone avoid, as a first priority, risk to water quality from contaminants, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised by:

1. identifying contaminant pathways to ground and surface water bodies;
2. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant; and
3. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans.

#### **Policy 8<sup>19</sup>**

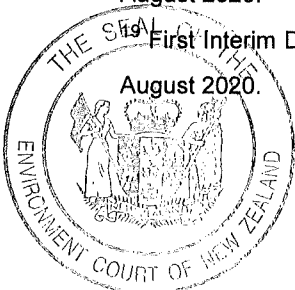
In the Lignite-Marine Terraces physiographic zone avoid, as a first priority, risk to water quality from contaminants, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised by:

1. identifying contaminant pathways to ground and surface water bodies;
2. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant; and
3. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, and overland flow where relevant when

---

<sup>18</sup> First Interim Decision [2020] NZEnvC 93, memorandum of counsel dated 4 August 2020 and Minute dated 31 August 2020.

<sup>19</sup> First Interim Decision [2020] NZEnvC 93, memorandum of counsel dated 4 August 2020 and Minute dated 31 August 2020.



assessing resource consent applications and preparing or considering Farm Environmental Management Plans.

### **Policy 9<sup>20</sup>**

In the old Maitauro physiographic zone:

1. avoid, as a first priority, risk to water quality from contaminants, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised by:
  - i. identifying contaminant pathways to ground and surface water bodies;
  - ii. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage;
  - iii. having particular regard to adverse effects on water quality from contaminants transported via deep drainage when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and
  
2. avoid dairy farming and intensive winter grazing where contaminant losses will increase as a result of a proposed activity.

### **Policy 10<sup>21</sup>**

In the Oxidising physiographic zone:

1. avoid, as a first priority, risk to water quality from contaminants, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised by:
  - i. identifying contaminant pathways to ground and surface water bodies;
  - ii. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant;

---

<sup>20</sup> First Interim Decision [2020] NZEnvC 93, memorandum of counsel dated 4 August 2020 and Minute dated 31 August 2020.

<sup>21</sup> First Interim Decision [2020] NZEnvC 93, memorandum of counsel dated 4 August 2020, Minute dated 31 August 2020 and memorandum of counsel dated 25 September 2020.



- iii. having particular regard to adverse effects on water quality from contaminants transported via deep drainage, and overland flow and artificial drainage where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and
2. avoid dairy farming and intensive winter grazing where contaminant losses will increase as a result of a proposed activity.

### **Policy 11<sup>22</sup>**

In the Peat Wetlands physiographic zone:

1. avoid, as a first priority, risk to water quality from contaminants, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised by:
  - i. identifying contaminant pathways to ground and surface water bodies;
  - ii. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via artificial drainage, deep drainage, and lateral drainage;
  - iii. having particular regard to adverse effects on water quality from contaminants transported via artificial drainage, deep drainage, and lateral drainage when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and
2. avoid dairy farming and intensive winter grazing where contaminant losses will increase as a result of a proposed activity.

### **Policy 12<sup>23</sup>**

In the Riverine physiographic zone:

1. avoid, as a first priority, risk to water quality from contaminants, and where avoidance is impractical, requiring risk to water quality from contaminants to be minimised by:

---

<sup>22</sup> First Interim Decision [2020] NZEnvC 93, memorandum of counsel dated 4 August 2020 and Minute dated 31 August 2020.

<sup>23</sup> First Interim Decision [2020] NZEnvC 93, memorandum of counsel dated 4 August 2020 and Minute dated 31 August 2020.



- i. identifying contaminant pathways to ground and surface water bodies;
  - ii. requiring implementation of good management practices to manage adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant;
  - iii. having particular regard to adverse effects on water quality from contaminants transported via deep drainage, and overland flow where relevant when assessing resource consent applications and preparing or considering Farm Environmental Management Plans; and
2. avoid dairy farming and intensive winter grazing where contaminant losses will increase as a result of a proposed activity.

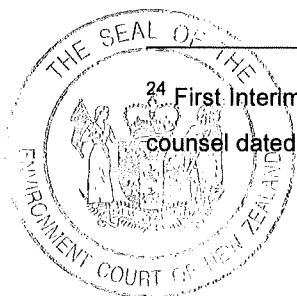
#### **Policy 45<sup>24</sup>**

In response to Ngāi Tahu and community aspirations and local water quality and quantity issues, FMU sections of this Plan may include additional catchment-specific values, objectives, policies, attributes, rules and limits which will be read and considered together with the Region-wide objectives and Region-wide policies.

Any provision on the same subject matter in the relevant FMU section of a plan (including Freshwater Objectives) must give effect to the Region-wide objectives.

FMU provisions developed for a specific geographical area will not initiate a plan change to the Region-wide objectives or Region-wide policies.

*Advice Note: It would be unfair if changes are made to Region-wide objectives and Region-wide policies based on decisions for individual FMUs in specific parts of Southland, without the involvement of the wider Regional communities.*




---

<sup>24</sup> First Interim Decision [2020] NZEnvC 93, memorandum of counsel dated 4 August 2020 and memorandum of counsel dated 25 September 2020.



**Policy 46<sup>25</sup> is amended**

The FMU sections of this Plan are based on the following identified Freshwater Management Units for Southland, as shown on Map Series 6: Freshwater Management Units:

- Fiordland and the islands;
- Aparima;
- Mataura;
- Ōreti;
- Waiau; and
- Waituna.

**Policy 47<sup>26</sup> is amended**

The FMU sections of this Plan will give effect to the Region-wide objectives – and:

1. identify values and establish freshwater objectives for each Freshwater Management Unit, including where appropriate at a catchment or sub-catchment level, having particular regard to the national significance of Te Mana o te Wai, and any other values developed in accordance with Policies CA1-CA4 and Policy D1 of the National Policy Statement for Freshwater Management 2014 (as amended in 2017); and
2. set water quality and water quantity limits and targets to achieve the freshwater objectives; and
3. set methods to phase out any over-allocation, within a specified timeframe; and
4. assess water quality and quantity taking into account Ngāi Tahu indicators of health.

---

<sup>25</sup> First Interim Decision [2020] NZEnvC 93 and memorandum of counsel dated 4 August 2020.

<sup>26</sup> First Interim Decision [2020] NZEnvC 93 and memorandum of counsel dated 4 August 2020.

