

**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)

(Continued next page)

**MEMORANDUM OF COUNSEL FOR SOUTHLAND REGIONAL COUNCIL
REGARDING EXPERT CONFERENCING
5 November 2021**

Judicial Officer: Judge Borthwick

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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 the appeals against the Council's decision on the proposed Southland Water and Land Plan.
- 2 At paragraph [18] of the Minute dated 29 October 2021, the Court directed the Council to, having conferred with the parties, file a memorandum by Friday 5 November 2021 giving the following (preferable agreed) details:¹
 - (i) parties are to confirm per paragraph [9] if they object to remote conferencing;
 - (ii) the specific date and sequencing of conferences;
 - (iii) the number of persons anticipated to attend each conference;
 - (iv) the estimated time required for conferencing;
 - (v) if appropriate, facilities required; and
 - (vi) the most suitable location for conferencing if face to face. Parties are to consider whether alternative locations such as Christchurch or Wellington are suitable.
- 3 Counsel for the Council has conferred with the parties in relation to the above issues and sets out the parties' positions on these matters below.
- 4 This Memorandum also addresses other conferencing related issues.

Method of conferencing

- 5 No party objects to conferencing with some or all persons attending by AVL, although some have noted that it would be preferred to conference in person.
- 6 The Council, DairyNZ & Fonterra, Ballance Agri-Nutrients, the Director-General of Conservation, Ngā Rūnanga, and Forest & Bird and Fish & Game would prefer a full AVL conference, as opposed to a hybrid. Southwood Export Limited would prefer an in-person or hybrid

¹ Minute dated 29 October 2021, at [18].

conference. All other parties expressed no preference in relation to the method of conferencing.

Proposed conferencing schedule

- 7 The parties agree that the following expert conferences are required:
- (a) Planning;
 - (b) Science / Water Quality;
 - (c) Farm Systems;
 - (d) Forestry; and
 - (e) Ecology.
- 8 The Council prepared a draft conferencing schedule and circulated this to the parties for comment. Analysis of the parties' responses with respect to availability has indicated that for some topics there are not sufficient days available where all relevant experts can attend.
- 9 Counsel for the Council continues to liaise with parties to find dates that are suitable for all conferences. Accordingly, an extension of time to file a final schedule of expert conferences, until Tuesday 9 November 2021, is sought.
- 10 Counsel notes that the Record of Pre-Hearing Conference dated 22 October² and Minute dated 29 October³ stated that expert conferencing would occur on 17 – 26 November or 22 November – 10 December. Due to limited availability of experts over this time period, the proposed schedule is likely to include conferencing during both of these periods. If it is considered necessary, Counsel respectfully seeks leave for those directions referenced above to be amended to allow for conferencing throughout the period beginning 17 November and ending 10 December.

Numbers attending conferencing

- 11 The estimated number of attendees expected at each conference is set out below.
- (a) Planning – 15.

² At Attachment A.

³ At [5].

- (b) Science / Water Quality – 8.
 - (c) Farm Systems – 13.
 - (d) Forestry – 6.
 - (e) Ecology – 6.
- 12 As the Council has not yet finalised its responses to parties' relief, and so it is not yet known how many factual disputes there may be, this is necessarily an estimate which may be refined in due course.

Location and facilities required (if in-person conferencing)

- 13 If a hybrid method of conferencing is directed, most parties consider that Christchurch is the most suitable location for in-person conferencing. Forest & Bird and Fish & Game would prefer that any in-person planning conferencing occur in Invercargill.
- 14 The parties also consider that the following facilities will need to be made available for those parties attending in-person:
- (a) Projector and screen, and a computer to run the same.
 - (b) Microphones & speakers (in sufficient numbers so that persons participating remotely can hear/be heard).
 - (c) Whiteboard (although this may not be necessary if most/many experts are attending remotely).

Scribe

- 15 The Council has offered to provide a scribe for each of the conferences. No parties have objected to the scribe proposed.

Agenda

- 16 Counsel for the Council seeks an amendment to the direction⁴ to file agenda 5 working days prior to each conference commencing.
- 17 The Schedule provides for conferencing to start only three working days after the Council files its response to relief sought and Will Says statements on 12 November 2021. Further, the first technical conferencing following the first planning conference begins on the third

⁴ At [11] of Minute dated 29 October 2021.

working day after the end of the first planning conference. It is proposed that this first planning conference will be used to refine areas of disagreement but also to determine specific questions for technical experts to consider.

- 18 Accordingly, Counsel for the Council seeks that:
- (a) an agenda for the first planning conference be circulated by Tuesday 16 November;
 - (b) an agenda for the science/water quality conferences be circulated by Monday 22 November;
 - (c) an agenda for the farm systems conferences be circulated by Wednesday 24 November;
 - (d) an agenda for the ecology conferences be circulated by Thursday 25 November; and
 - (e) an agenda for the forestry conferences be circulated by Friday 26 November.

DATED this 5th day of November 2021



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