

**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 last page)
 Appellants
AND SOUTHLAND REGIONAL COUNCIL
 Respondent

MINUTE (19 October 2018)

Introduction

[1] A pre-hearing conference ('PHC') was convened on 12 September 2018 to hear from the parties to the proposed Southland Water and Land Plan ('pSWLP'). Directions were issued in order to make the necessary arrangements for mediations and hearings.

[2] The court has now considered all the memoranda filed and apologises for the delay in responding, due to heavy competing commitments.

Document hosting service

[3] The Council has advised that it is willing to provide a document hosting service via its website and is confident that it can do so in an efficient and effective manner. The court generally agrees with the approach set out in paragraphs [17]-[21] of its 19 September memorandum and expects to receive the necessary applications for waivers and directions under s281 in due course.



Topic A hearing

[4] Appendix A to the Council's memorandum has a table that sets out the proposed substance of the Topic A hearing, incorporating the Council's proposed amendments. The parties have all had an opportunity to consider the sub-topics and have requested slight adjustments to it, none of which the court takes any issue with.

[5] Therefore, it is directed that the Council incorporate the amendments suggested by the other parties and re-file the table by **Wednesday 31 October 2018**.

Evidence timetable

[6] The Council, in its 19 September memorandum, provided two proposed evidence timetables: one in response to the court's sequence and a preferred alternative timetable which differs by having all s274 parties file rebuttal evidence at once. Counsel submits that no party will be prejudiced by this amendment.

[7] A number of parties have raised concerns about the appellants' evidence being filed by the end of January 2019 and the difficulty of preparing evidence over the summer break.

[8] The court considers the alternative timetable proposed by the Council is appropriate but will make some slight adjustments to enable more time after the Christmas break. We will also reserve leave for any party to apply to amend it if they have the consent of all parties.

Expert witness conferencing directions

[9] The parties will be informed once an Environment Commissioner is appointed as lead facilitator. Further directions can be anticipated and those made by the Commissioner are made for and on behalf of the court. For instance, further directions may be made concerning sequencing of conferencing by topic areas given outcomes of some conferencing can be anticipated to be relevant inputs to other conferencing.



Mediation

[10] For the reasons noted in the record of pre-hearing conference on 12 September conference, no directions will be made at least until the Initial Planning Statement is available. Any directions would be by further Minute. The parties should continue to assume that any mediation would be on the basis of an identified agenda of specific matters and occur some time later than evidence-in-chief is exchanged and before rebuttal is exchanged. In any case, pressures on court resourcing rule out any capacity for mediation before then. We also refer to the observations in the record of pre-hearing conference concerning any Topic B technical issue mediation. In the event of mediation directions being so made, the parties will be informed of who is appointed as mediator. As with expert conferencing, further directions made by the Commissioner would be for and on behalf of the court.

Directions

[11] Therefore, the following timetable is directed:

- (a) evidence-in-chief for the Council is to be filed and served by **Friday 14 December 2018**;
- (b) evidence-in-chief for the appellants is to be filed and served by **Friday 15 February 2019**;
- (c) evidence-in-chief for parties supportive of the appellants is to be filed and served by **Friday 1 March 2019**;
- (d) evidence-in-chief for the parties opposed to the appellants is to be filed and served by **Friday 15 March 2019**;
- (e) expert witness conferencing is to take place between **15 to 29 March 2019**;
- (f) Joint Expert Witness Statement is to be filed by **Monday 1 April 2019**;
- (g) rebuttal evidence for the appellants to be filed and served by **Thursday 18 April 2019**;
- (h) rebuttal evidence for section 274 parties is to be filed and served by **Friday 26 April 2019**;
- (i) rebuttal evidence for the Council is to be filed and served by **Friday 3 May 2019**;
- (j) the Council is to file six (6) tabbed, indexed and paginated hard copies of all evidence (including exhibits) with the court by **Friday 10 May 2019**; and



(k) Topic A hearing commences late **May 2019**.

Federated Farmers

[12] As directed, Federated Farmers has filed a memorandum dated 21 September which seeks to amend its notice of appeal at paragraph (a) by removing the word "restricted" so the relief sought would read:

That any replacement permits associated with the Manapōuri Hydro-electric Generation Scheme be considered as a **restricted** discretionary activity.

[13] The court confirms that it grants leave for the notice of appeal to be amended as sought.

Mediation

[14] The court notes that the Council's Initial Planning Statement is due to be filed this week. Following the filing of this the Council should propose a schedule for mediation to be circulated to the parties for consideration. Following any amendments, the proposed schedule should be filed with the court by **Friday 2 November 2018**.

[15] The court will do its best to accommodate the schedule and find an Environment Commissioner to facilitate.

Other directions

[16] Leave is reserved for any party to apply for further directions.



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J J M Hassan
Environment Judge

A blue ink signature of J E Borthwick, written in a cursive style, positioned above a horizontal line.

J E Borthwick
Environment Judge

Issued: 19 October 2018

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

