

**BEFORE A COMMISSIONER APPOINTED
BY THE SOUTHLAND REGIONAL COUNCIL**

IN THE MATTER the Resource Management Act 1991

AND

IN THE MATTER of resource consents to occupy the Coastal Marine Area
with a tide gate and weir and to dam and divert water

AND

IN THE MATTER of an application by **SOUTHLAND REGIONAL
COUNCIL**

**MEMORANDUM OF COUNSEL FOR THE APPLICANT REGARDING
DIRECTIONS AND RESPONSES IN WRITING TO AMENDED PROPOSAL
13 September 2024**

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MAY IT PLEASE THE COMMISSIONER

1. By minute dated 2 September 2024 (**Minute 1**) the Applicant was directed to liaise with the other parties in respect of timetable directions. This memorandum addresses that direction.
2. At the hearing on 30 August 2024 the Applicant did not oppose a request by submitters for the opportunity to respond in writing to an amended proposal promoted at the hearing (**Amended Proposal**). Minute 1 directed the Applicant to liaise with the submitters on a timetable for that response, along with expert conferencing, which was suggested by the Applicant at the hearing. The Applicant has sought and received comments from the Director-General, Te Ao Marama and the Southland Recreational Whitebaiters Association.
3. Minute 1 further identified four pieces of further information and matters of clarification that would assist to better understand the effects of the proposal.
4. The Applicant considers the four questions are best addressed by its expert ecologist and hydrological modeller. The Applicant seeks three (3) further weeks from the date of this memorandum to provide the information sought. The timing of the response is constrained by the availability of the model to run answers to questions 2(a) and (d), which is limited by the number of licences held by Mr Gardner's firm and its existing commitments. No submitter objected to this timeframe.
5. Once that further information is provided by the Applicant it is proposed a further two weeks be allowed for the submitters to respond in writing to the Amended Proposal and information in response to the questions in Minute 1. Expert conferencing can then be undertaken and completed within two weeks. Likewise, no submitter has objected to this proposal.
6. In summary directions are sought that:
 - (a) The Applicant respond to the questions in Minute 1 by 4 October 2024.

- (b) The submitters provide any comments in writing on the Amended Proposal and the information provided in response to the matters in Minute 1 by 18 October 2024.
- (c) Unfacilitated expert ecology and planning conferencing, in accordance with the Expert Witness Code of Conduct in the Environment Court Practice Note 2023, including the production of joint witness statements (**JWS**), completed by 1 November 2024. The parties to arrange the conferencing.
- (d) All responses and JWS to be sent to the Environment Southland Consents Co-ordinator for circulation to the parties.



CP Thomsen
Counsel for the Applicant
13 September 2024