

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I MUA I TE KOOTI TAIAO O AOTEAROA
KI OTAUTAHI**

IN THE MATTER of of the Resource Management Act 1991

AND of an appeal under clause 14 of the First Schedule of the Act

BETWEEN **ARATIATIA LIVESTOCK LIMITED**
(ENV-2018-CHC-29)

Appellant

AND **SOUTHLAND REGIONAL COUNCIL**

Respondent

SUMMARY OF RELIEF - ARATIATIA LIVESTOCK LIMITED

29 OCTOBER 2021

**ELLIS GOULD
LAWYERS
AUCKLAND**

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MAY IT PLEASE THE COURT

1. In accordance with the Court's minute of the Pre-Hearing Conference of 19 October 2021, the relief sought by Aratiatia Livestock Limited ("**Aratiatia**") on the outstanding points raised in its appeal is recorded below.

2. **Rule 20:**

(a) Amendment of Rule 20(a)(iii)(3)(D) so that it reads:

"If supplementary feed (including baleage, straw or hay) is used in the area being grazed it is ~~placed in portable feeders fed to the stock in such a way as to prevent the supplementary feed being trampled into the ground, such as by placing the supplementary feed in portable feeders or behind an electrified wire.~~"

(b) Deletion of Rule 20(a)(iii)((3)(E), as follows:

~~"If cattle or deer are being grazed the mob size being grazed is no more than 120 cattle or 250 deer"~~.

(c) Deletion of all references elsewhere in the Plan to Rule 20(a)(iii)((3)(E).

3. **Policy 26** – Amend Policy 26 (Renewable Energy) so that it reads:

"Policy 26 – Renewable energy

Recognise and provide for the national and regional significance of renewable electricity generation activities (including the existing Manapōuri hydro-electric generation scheme in the Waiau catchment), the national, regional and local benefits of renewable electricity generation activities, ~~the need to locate the generation activity where the renewable energy resource is available, and the practical constraints associated with its development, operation, maintenance and upgrading,~~ when:

1. allocating surface water for abstraction, damming, diversion and use; and

2. considering all resource consent applications for surface water abstractions, damming, diversion and use;

whilst, in the context of the Manapouri Hydro-electric Scheme, having regard to:

3. the potential to avoid, remedy or mitigate any adverse effects on the mauri of the Waiau River system; and

4. the opportunity to reverse or reduce the damage which the operation of the Scheme has caused within the catchment

including by increasing the minimum flow requirements at the Mararoa Weir / Manapouri Lake Control Structure specified in consents relating to the Scheme.”

4. **Rule 52A:**

- (a) Deletion of Rule 52A, with the effect that the activities which would have been classified as controlled activities under Rule 52A become discretionary activities, and that activities which would have been non-complying activities under Rule 52A remain non-complying.
- (b) Deletion of all references to Rule 52A elsewhere in the pSWLP.

5. **Appendix E** – Amend Appendix E so it reads:

“Appendix E – Receiving Water Quality Standards

These standards apply to the effects of discharges following reasonable mixing with the receiving waters, unless otherwise stated. They do not apply to waters within artificial storage ponds such as effluent storage ponds or stock water reservoirs or to temporarily ponded rainfall.

The standard for a given parameter will not apply in a lake, river, artificial watercourse or modified watercourse or natural wetland where:

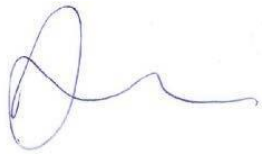
~~*(a) due to natural causes, that parameter cannot meet the standard; or*~~

~~*(b) due to the effects of the operation of the Manapouri hydro-electric generation scheme that alters natural flows, that parameter cannot meet the standard.*~~

Plan users should...”

6. Aratiatia is a s274 party to a number of appeals on Topic B5 which have not been mediated. Of particular interest to Aratiatia are the definition and treatment of ephemeral rivers, critical source areas and winter grazing on grass. Once the primary appellants have clarified the relief they seek in relation to these matters, Aratiatia will be in a position to clarify the relief it seeks as a s274 party.

Dated this 29th day of October 2021

A handwritten signature in blue ink, consisting of a large, stylized initial 'D' followed by a series of connected loops and a horizontal tail.

D A Allan
Counsel for Aratiatia Livestock Limited