

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991

AND appeals under clause 14 of the First
Schedule of the Act

BETWEEN ARATIATIA LIVESTOCK
LIMITED

(ENV-2018-CHC-29)

(and all other appellants listed in
the Schedule attached)

Appellants

AND SOUTHLAND REGIONAL
COUNCIL

Respondent

**MINUTE OF THE ENVIRONMENT COURT
Amendments which the court would approve
(21 March 2022)**

Introduction

[1] The court would approve many of the amendments proposed. The amended wording is recorded in the annotated pSWLP¹ and a list of the relevant provisions is **attached** to this Minute and labelled ‘Attachment A’.

[2] Do the parties wish the court to indicate its approval for the proposed

¹ Filed 14 March 2022.



wording or issue consent orders?

[3] As with the policies for Physiographic Zones, subject to the parties' respecting the wording provisionally endorsed by the court, the court would usually defer making orders pending the resolution of all related policies and rules. The advantage of this is that it allows the Regional Council to undertake a gap analysis and conduct a final check on drafting in light of decisions made on the disputed provisions.

Directions

[4] The court directs by **Friday 25 March 2022**, the Regional Council, having conferred with the parties, is to report on whether consent orders are to issue, or whether the parties' preference is for the court's approval to be recorded and orders made in its final decision having heard the disputed provisions case.

Jane S.



J E Borthwick
Environment Judge

Issued: 21 March 2022

Attachment A

[1] Unless indicated by an asterisk, the amendments in the consent order resolve all appeals on the relevant provision. The parties are to advise by **Friday 25 March 2022** if our understanding as to the resolution of all appeals on a particular provision is incorrect.

[2] The provisions:

- (a) Policies 4-12 (Physiographic Zone Policies;
- (b) Policy 13;
- (c) *Policy 20(1A) but not (at this stage) Policy 20(1) or (2). We are satisfied the proposed change is discrete and the court's approval may be recorded on this basis;
- (d) Policy 24;
- (e) Policy 25;
- (f) Policy 29;
- (g) Policy 32;
- (h) Policy 39A;
- (i) Rule 5;
- (j) Rule 43;
- (k) *Rule 49 (a)(vi);
- (l) Rule 52;
- (m) Rule 53;
- (n) Rule 54;
- (o) Rule 55;
- (p) Rule 57;
- (q) Rule 58;
- (r) Rule 59;
- (s) Rule 59A;
- (t) Rule 60;
- (u) Rule 61;

- (v) Rule 62;
- (w) Rule 63A;
- (x) Rule 64;
- (y) Rule 66;
- (z) Rule 68;
- (aa) amendment proposed to the section header at p 109 of the annotated pSWLP that reads ‘Bed disturbance activities in river and lake beds and wetlands’;
- (bb) Rule 72;
- (cc) Rule 73;
- (dd) Rule 74;
- (ee) Rule 75;
- (ff) Rule 77;
- (gg) *Rule 78 – the inclusion of a note to resolve Heritage New Zealand’s appeal. Multiple appeals on this provision remain unresolved;
- (hh) glossary – amended definition of ‘cultivation’ and inclusion of terms and definition of ‘stick raking or slash raking’;
- (ii) Appendix K;
- (jj) Appendix L.5 – this resolves an appeal by the Director-General of Conservation. Both the Director-General and Wilkins’ appeals on Appendix L.5 that gives the ‘primary allocation’ in various groundwater zones. Wilkins’ appeal is to be heard later this year. While the groundwater zones in each appeal may be unrelated,² the court in approving the amendment is not endorsing the method of calculation and indeed cannot, as the parties have not provided technical evidence in support of their calculation; and
- (kk) Appendix N (j) – resolves an appeal on this provision by Heritage New Zealand. While there are unresolved appeals on Appendix N, I am satisfied the proposed amendment is confined.

² Affidavit of Lauren Maciaszek affirmed 2 February 2022, Topic B1 at [66].

[3] Finally, while we have no difficulty with the amendments proposed to Appendix A, consent orders cannot yet issue for the reason given in the deponent's footnote [8].³ Further, we record that the deponent was not in a position to confirm in the hearing whether the five sensitive waterbodies (being lakes) to be included in Appendix A have associated regionally significant wetlands. While the pSWLP maps are to be updated to include lakes and secondly, (we understand) correct other omissions, no orders are sought in relation to any consequential change that may be required.

³ Affidavit of Lauren Maciaszek affirmed 2 February 2022, Topic B3 at [55] and transcript.

Schedule – List of appellants

ENV-2018-CHC-26	Transpower New Zealand Limited
ENV-2018-CHC-27	Fonterra Co-operative Group Limited
ENV-2018-CHC-29	Aratiatia Livestock Limited
ENV-2018-CHC-30	Wilkins Farming Co Limited
ENV-2018-CHC-31	Gore District Council & others
ENV-2018-CHC-32	DairyNZ Limited
ENV-2018-CHC-33	H W Richardson Group Limited
ENV-2018-CHC-34	Beef + Lamb New Zealand
ENV-2018-CHC-36	Director-General of Conservation
ENV-2018-CHC-37	Southland Fish and Game Council
ENV-2018-CHC-38	Meridian Energy Limited
ENV-2018-CHC-40	Federated Farmers of New Zealand Inc
ENV-2018-CHC-41	Heritage New Zealand Pouhere Taonga
ENV-2018-CHC-44	Wilkins Farming Co Limited (previously Campbell's Block Limited)
ENV-2018-CHC-45	Wilkins Farming Co Limited (previously Robert Grant)
ENV-2018-CHC-46	Southwood Export Limited & Others
ENV-2018-CHC-47	Te Rūnanga o Ngāi Tahu, Hokonui Runāka, Waihopai Runāka, Te Rūnanga o Awarua & Te Rūnanga o Oraka Aparima
ENV-2018-CHC-49	Rayonier New Zealand Limited
ENV-2018-CHC-50	Royal Forest and Bird Protection Society of New Zealand Incorporated