

**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

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**MINUTE OF THE ENVIRONMENT COURT**

**Courtroom capacity  
(24 February 2022)**

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[1] This Minute addresses the capacity of the two courtrooms in use for these proceedings.

[2] Social distancing (now) requires 2 metre separation between all persons in



court and this has further reduced courtroom capacity.<sup>1</sup>

[3] In response to a query from Wynn Williams concerning courtroom capacity,<sup>2</sup> I remind parties that the protocol is for hearings to be conducted to the extent possible by remote participation.<sup>3</sup>

[4] I am satisfied that the interests of justice will be served if the ‘all of parties’ hearing is conducted remotely via AVL.<sup>4</sup> The Regional Council was directed to report to the court this week on the parties’ views as to use of AVL for the ‘disputed provisions’ hearing.

[5] In-person hearings (or a hybrid of in-person and remote participation) will be conducted where it serves the interests of justice to do so. Any party wishing to be present in court will need to seek leave and satisfy me that their attendance is in the interests of justice.<sup>5</sup>

[6] Leave is reserved for the parties to seek further (or other) directions.

Jane S.



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**J E Borthwick**  
**Environment Judge**  
Issued: 24 February 2022

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<sup>1</sup> The hearing is set down in Courtroom 1 for the first week and Courtroom 13 for the remainder. In Courtroom 1 a transportable AVL facility will be used with a single camera. This means the Registry can zoom in on one person (e.g. a lawyer or a witness, but not both). It is therefore preferable that all of week one is conducted remotely as participants are required to be situated a standard distance from a camera.

<sup>2</sup> Attached an email from Wynn Williams to the Registry dated 23 February 2022.

<sup>3</sup> Environment Court Practice Note: COVID-19: Protection Framework at [6].

<sup>4</sup> Record of Pre-Hearing Conference held 10 February 2022 at [19].

<sup>5</sup> Record of Pre-Hearing Conference held 10 February 2022 at [20].

## Attachment – Wynn Williams’ email

**From:** [Alyssa Langford](#)  
**To:** [Brownlee, Maddy](#)  
**Subject:** pSWLP - in person attendance [WWW-ACTIVE.FID195730]  
**Date:** Wednesday, 23 February 2022 14:09:26

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Hi Maddy,

I was hoping you could clarify something for me. At the PHC, the Judge said that the courtroom for the Tranche 1 hearing has a limit of 6 people at any one time. Are yourself and the Judge included in that 6 person limit? I.e., are the 6 people allowed made up of 2 court, 1 witness (for most of the time), and up to 3 others (such as counsel)?

Please feel free to give me a call if the above doesn't make sense.

Many thanks,  
Alyssa

Alyssa Langford | Associate | Wynn Williams

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## 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
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