

**BEFORE THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991  
AND of appeals under clause 14 of the First  
Schedule of the Act  
BETWEEN ARATIATIA LIVESTOCK LIMITED  
(ENV-2018-CHC-29)  
... (and all other appellants listed on page 3)  
Appellants  
AND SOUTHLAND REGIONAL COUNCIL  
Respondent

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**MINUTE OF THE ENVIRONMENT COURT  
(17 September 2021)**

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**Introduction**

[1] The purpose of this minute is for case management and responds to the memorandum filed on behalf of the Southland Regional Council dated 15 September 2021.

[2] The Regional Council advises that the postponements of the topic B5 mediation, initially as a result of travel disruptions and then of Covid-19, allowed the Council to engage in informal discussions with parties. These discussions resulted in it becoming clear that parties are entrenched in their positions and it would be more efficient for the mediation to not be rescheduled and to proceed to hearing. Therefore, it is proposed that the topic B5 mediation be cancelled, with a reporting memorandum to be filed by 24 September 2021 seeking a hearing for the unresolved issues.

[3] While the Regional Council, Forest and Bird, Fish and Game and Ngā Rūnanga support this approach, it is noted that Federated Farmers, Aratiatia and Beef and Lamb are of the view that there is still some utility in proceeding with mediation in narrowing



issues and reducing costs. Subsequent to the Councils' memorandum, counsel for Wilkins Farming Co Limited,<sup>1</sup> Ballance Agri-Nutrients Limited<sup>2</sup> and Aratiatia Livestock Limited<sup>3</sup> responded, further supporting court-assisted mediation and noting that they were not in attendance at some of these meetings.

[4] While the court acknowledges the position of the parties wishing to proceed with mediation, it appears to me that the most practical way forward is to accept that discussions between the parties will continue, as recommended by the Regional Council, while setting the unresolved matters down for hearing. Parties are reminded that court-assisted mediation is not mandatory and is arranged at the courts' discretion. Alternative dispute resolution methods, including informal discussions and expert conferencing may prove to be as, if not more, useful to resolve outstanding matters. The parties are encouraged to continue to explore those avenues towards, if not settlement, at least refining the issues to assist in an efficient hearing. Three of the parties involved and the Regional Council have indicated they do not wish further court assisted mediation. Under these circumstances, I will grant the directions as sought.

#### **Directions**

[5] Accordingly, I direct:

- (a) Mediation of Topic B5 is cancelled; and
- (b) Counsel for the Regional Council is to file a reporting memorandum with the court by **Friday 24 September 2021**, seeking that all unresolved issues for Topic B be set down for hearing. I would also expect the reporting memorandum to provide detail of outstanding consent orders, where appeal points have been withdrawn in a manner that sets out any interrelated matters so that hearing of the remaining issues can be managed in an efficient manner.

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



**A C E Leijnen**  
**Environment Commissioner**

Issued: 17 September 2021

<sup>1</sup> Email from counsel dated 16 September 2021.

<sup>2</sup> Memorandum of Counsel dated 15 September 2021.

<sup>3</sup> Email from Counsel dated 16 September 2021.

### List of appellants

ENV-2018-CHC-000026	Transpower New Zealand Limited
ENV-2018-CHC-000027	Fonterra Co-operative Group Limited
ENV-2018-CHC-000029	Aratiatia Livestock Limited
ENV-2018-CHC-000030	Wilkins Farming Co Limited
ENV-2018-CHC-000031	Gore District Council & others
ENV-2018-CHC-000032	DairyNZ Limited
ENV-2018-CHC-000033	H W Richardson Group Limited
ENV-2018-CHC-000034	Beef + Lamb New Zealand
ENV-2018-CHC-000035	Beef + Lamb New Zealand
ENV-2018-CHC-000036	Director-General of Conservation
ENV-2018-CHC-000037	Southland Fish and Game Council
ENV-2018-CHC-000038	Meridian Energy Limited
ENV-2018-CHC-000040	Federated Farmers of New Zealand
ENV-2018-CHC-000041	Heritage New Zealand Pouhere Taonga
ENV-2018-CHC-000044	Campbell's Block Limited
ENV-2018-CHC-000045	Robert Grant
ENV-2018-CHC-000046	Southwood Export Limited & Others
ENV-2018-CHC-000047	Te Rūnanga o Ngāi Tahu, Hokonui Runāka, Waihopai Runāka, Te Rūnanga o Awarua & Te Rūnanga o Oraka Aparima
ENV-2018-CHC-000049	Rayonier New Zealand Limited
ENV-2018-CHC-000050	Royal Forest and Bird Protection Society of New Zealand Incorporated