

**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**

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**MEMORANDUM ON BEHALF OF ARATIATIA LIVESTOCK LIMITED**

**13 JULY 2022**

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**ELLIS GOULD  
LAWYERS  
AUCKLAND**

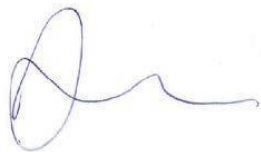
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AUCKLAND**

**MAY IT PLEASE THE COURT**

1. This memorandum is in response to the Court's direction of 11 July 2022 instructing parties to provide by 13 July the final wording sought by them.
2. Aratiatia Livestock Limited currently seeks the wording set out in the May version of the Consolidated Plan prepared by the Regional Council subject to:
  - (a) Replacement of the definition of "*High risk winter grazing*" sought by Aratiatia with the definition of "*High risk pasture winter grazing*" set out on page 14 of the Joint Witness Statement – Farm Systems and Planning dated 23 and 30 June 2022 (subject to confirmation from Farm Systems Experts on the appropriate residual for sheep and deer); and
  - (b) The refinements required to its proposed Rule 20B, which are marked up (in underlining for additions and ~~striketrough~~ for deletions) on the **attachment** to this memorandum.
3. The relief sought by Aratiatia may need to change as a consequence of the additional witness conferencing to be undertaken in accordance with the Court's directions.

Dated this 13<sup>th</sup> day of July 2022



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**D A Allan**  
Counsel for Aratiatia Livestock Limited

**Attachment – Revisions to Rule 20B**

(a) High risk pasture winter grazing is a permitted activity provided the following conditions are met:

(i) livestock must be kept at least:

(1) 20 metres from the bed of any Regionally Significant Wetland or Sensitive Water Bodies listed in Appendix A, nohoanga listed in Appendix B, mātaimai reserve, taiāpure, estuary or the coastal marine area; and

(2) 10/5 metres from the bed of any other river, lake, artificial watercourse (regardless of whether there is any water in it at the time), modified water course or natural wetland; and

(ii) critical source areas within the area being winter grazed on pasture must:

(1) be identified in the Farm Environmental Management Plan; and

(2) have stock excluded from them; and

(iii) On areas where significant de-vegetation occurs, vegetation is re-established as soon as practicable; and

(iv) a Farm Environmental Management Plan for the landholding is prepared and implemented in accordance with Appendix N, that also includes a winter grazing plan that includes:

(1) downslope grazing or a 20 metre 'last-bite' strip at the base of the slope; and

(2) back fencing to prevent stock entering previously grazed areas; and

(v) no high risk winter grazing on pasture occurs at an altitude greater than 800 metres above mean sea level; and

(b) The use of land for high risk pasture winter grazing ~~on pasture~~ that does not meet conditions (a)(i)-(iv) ~~(vi)~~ of Rule 20B is a restricted discretionary activity provided the following conditions are met:

(i) a Farm Environmental Management Plan is prepared and implemented in accordance with Appendix N;

***The Southland Regional Council will restrict its discretion to the following matters:***

1. ~~the quality of and~~ compliance with Appendix N and the quality of the Farm Environmental Management Plan for the landholding;

2. mitigation actions and good management practices to be undertaken, including those to minimise the discharge of nitrogen, phosphorus, sediment and microbiological contaminants to water from the use of land, taking into account contaminant loss pathways;

3. the potential benefits of the activity to the applicant, the community and the environment;
4. the potential effects of the farming activity on surface and groundwater quality and sources of drinking water;
5. monitoring and reporting undertaken to assess the effectiveness of any mitigation implemented.

(c) The use of land for high risk pasture winter grazing ~~on pasture~~ that does not meet conditions of Rule 20B(b) is a non-complying activity.

(d) The use of land for high risk pasture winter grazing ~~on pasture~~ that does not meet condition (v) ~~(vii)~~ of Rule 20B A(a) is a prohibited activity.