

**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  
JWS Evidence  
(28 March 2022)**

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**Introduction**

[1] This Minute is released for the purpose of case management and addresses the evidence in support of provisions agreed following expert conferencing.

[2] For the hearing week commencing 11 April 2022 the court will pre-read the briefs of witnesses scheduled to be called that week, together with joint witness statements referred to therein and any cross-reference to the evidence to be given by another witness. We shall also read the Final Relief circulated by the parties.



[3] We are aware that the parties have reached extensive agreement on provisions following expert conferencing.<sup>1</sup> The joint witness statements record the agreed amendments to certain provisions,<sup>2</sup> but not (necessarily) the reasons for amending the same. These statements do not address scope for the amendments proposed, nor do they present further s 32AA analysis.

[4] We may be wrong in our impression, but it appears that the witnesses' briefs focus on the matters remaining in dispute. If correct, many provisions are unsupported by evidence.

*Further evidence*

[5] The court will be assisted if Mr McCallum-Clark is led through the agreed amendments, by:

- (a) identifying the issue(s) being addressed in each of the provisions;
- (b) explaining the relationship between the provision and higher order policy/objectives in the pSWLP; and
- (c) giving reason(s) for the amendment.

[6] The court does not require Mr McCallum-Clark to file written evidence in advance. Parties are to say by **Friday 1 April 2022** whether they oppose this course, if not a direction to this effect will be made without a further Minute issuing.

*Section 32AA Assessment*

[7] Mr McCallum-Clark is to file a s 32AA assessment in support of all provisions agreed (and those further amendments he supports). A direction on

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<sup>1</sup> We understand that the relevant provisions are only partially agreed – see SRC memo dated 7 March 2022.

<sup>2</sup> The wording of some provisions may have been modified by agreement of the parties after expert conferencing concluded.

filing will be made later, but this is not required before the hearing resumes in May 2022.

*Scope*

[8] Counsel for the Regional Council will need to satisfy the court that there is scope to make the amendments it supports. A direction will be made later, but again this is not required before the hearing resumes in May 2022.

Jane S.



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**J E Borthwick**  
**Environment Judge**

Issued: 28 March 2022

### 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<br>Inc  |
| ENV-2018-CHC-41 | Heritage New Zealand Pouhere<br>Taonga   |
| ENV-2018-CHC-44 | Wilkins Farming Co Limited<br>(previously Campbell's Block Limited)  |
| ENV-2018-CHC-45 | Wilkins Farming Co Limited<br>(previously Robert Grant)  |
| ENV-2018-CHC-46 | Southwood Export Limited & Others  |
| ENV-2018-CHC-47 | Te Rūnanga o Ngāi Tahu, Hokonui<br>Runāka, Waihopai Runāka, Te<br>Rūnanga o Awarua & Te Rūnanga o<br>Oraka Aparima |
| ENV-2018-CHC-49 | Rayonier New Zealand Limited   |
| ENV-2018-CHC-50 | Royal Forest and Bird Protection<br>Society of New Zealand Incorporated  |