

**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
Re Final Decision
(25 August 2023)**

Introduction

[1] The purpose of this Minute is to address the issuing of the final decision.

Rule 78/78A

[2] Forest & Bird/Fish & Game have appealed the Eighth Interim Decision on Rule 78 and proposed new rule, Rule 78A.



[3] I will direct that any application to partially stay proceedings on Rules 78/78A is to be filed in short order.

Appendix N

[4] Subject to what I say next, the court is ready to release its final decision on Appendix N.

[5] We note the interpretational issue concerning the production of farm management plans required under conditions of certain permitted activities and by pt 9A of the RMA and relevant regulations. The court's view on this issue is not required for a decision to be made on the wording of Appendix N. The priority of the court in plan proceedings must be to determine appropriate wording of the plan.

[6] We propose an amendment to Part C to allow for the possibility that farm management plans are to be produced in accordance with the Regional Water and Land Plan before plans required under the Freshwater Farm Plan Regulations. The amendment follows:

Part C – Farm Environmental Management Plan Certification, Auditing, Review and Amendment

Unless pt 3 and pt 4 of the Resource Management (Freshwater Farm Plans) Regulations 2023 apply, then for Farm Environmental Management Plan Certification:...

Directions

[7] I direct:

- (a) any application to partially stay proceedings on Rules 78/78A is to be filed by **Wednesday 30 August 2023** with any notice of opposition filed by **Friday 1 September 2023**;

- (b) by **Friday 1 September 2023**:
- (i) the Regional Council, having conferred with the parties, is to respond to the amendment proposed to the chapeau to Pt C; and
 - (ii) any party opposing the court's suggested amendments to Appendix N¹ on the grounds of scope, is to identify the provision lacking and provide succinct but comprehensive submissions. Further directions will issue.
- (c) leave is reserved for any party to apply for further (or other) directions.

Jane S.



J E Borthwick
Environment Judge

Issued: 25 August 2023

¹ Appendix N attached to the Eighth Interim Decision.

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 (Southland Province) 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 Rūnaka, Waihopai Rūnaka, 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