

**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

Before: Environment Judge J E Borthwick

Held: in Christchurch on 14 February 2023 at 9.30 am

Appearances: P A C Maw and I F Edwards for Southland Regional Council
L Jeffries for Ballance Agri-Nutrients Limited
K E Forward and B Belcher for the Dairy Interests
P D Williams for Director-General of Conservation
Tumuaki-Ahurei
B S Carruthers for Federated Farmers of New Zealand Inc and
Wilkins Farming Company Limited
S R Gepp for Royal Forest and Bird Protection Society of New
Zealand Inc and the Southland Fish and Game Council
S K Lennon for Ngā Rūnanga
H Tapper for Meridian Energy Limited
M R G Christensen for Ravensdown Limited
D A Allan for Aratiatia Livestock Limited
C P Thomsen for Beef + Lamb New Zealand Limited
K L Rusher for Southwood Export Ltd



RECORD OF PRE-HEARING CONFERENCE
(15 February 2023)

Introduction

[1] Following the release of the fifth Interim Decision, a pre-hearing conference was held for the purpose of case management on 14 February 2023.

Stay of proceedings

[2] Directions have been made for application(s) to stay the proceedings to be filed.

[3] Further to paragraph [279] of the fifth Interim Decision, a decision whether to direct further expert evidence on the topic of significant adverse effects on aquatic life will be made following the determination of any stay application.

[4] Parties are strongly encouraged to confer and agree on the scope of the stay before filing an application.

Appendix N: FEMP

[5] Directions regarding the sense checking of Appendix N: FEMP will be made following the determination of any application for stay filed. The direction given at [18(b)] of the Minute dated 10 February 2023 is cancelled. Meantime, parties are to confer on the process to apply to the sense check and be prepared to propose directions at the next pre-hearing conference.

Appendix N: FEMP - sacrifice paddocks

[6] Agreeing with the Regional Council, further consideration of the treatment of sacrifice paddocks in Appendix N is required.

[7] Addressing an issue raised in the Regional Council's reporting memorandum dated 9 February 2023, a possible amendment may be to amend cl 13(d) to read:

- (a) excluding sacrifice paddocks, confirm how the following practices are to be implemented:
 - (i) downslope grazing or a 20m 'last-bite' vegetated strip at the base of the slope; and
 - (ii) back fencing to prevent stock entering previously grazed areas.

[8] The Council has yet to respond to paragraph [375(b)] of the fifth Interim Decision as to whether the FEMP is to address the use of sacrifice paddocks by all stock or cattle¹ only. The Regional Council is to clarify its thinking on this matter and secondly, indicate whether the FEMP's Winter Grazing Plan provisions at cl 13 should include a sacrifice paddock provision requiring the identification of paddocks to be resown after grazing and when this is to occur, weather permitting.

The Regional Council's responses to certain paragraphs

[9] The direction given in the Minute dated 10 February 2023 at [15] for parties to file a memorandum if disagreeing with the Regional Council's responses to questions/directions at paragraphs 231, 279, 313, 314, 375, 397-399, and 455 of the fifth Interim Decision is enlarged to **Friday 17 February 2023**. Further directions may then issue.

Directions

[10] I direct:

¹ Cattle or alternatively, "cattle or deer" used in the 9 February 2023 SRC definition of sacrifice paddocks is accepted.

Stay of Proceedings

- (a) any application for a stay of proceedings is to be filed by **Wednesday 22 February 2023**; and
- (b) replies to any application are to be filed by **Monday 27 February 2023**.

Other directions

[11] By **Monday 27 March 2023** the Regional Council will file a memorandum clarifying whether, in the context of sacrifice paddocks, the FEMP is to address cattle/deer or all stock, and to propose further amendments to the proposed plan on this topic (as may be required).

[12] The proceedings will be set down for a further pre-hearing conference at **9.00 am on Wednesday 1 March 2023**.

Jane S.



J E Borthwick
Environment Judge

Issued: 15 February 2023

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 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 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

