

CIV-2021-409-000089 - Otago Regional Council v Royal Forest and Bird Protection Society of New Zealand Incorporated

Chronology of key events

Date	Event
1 October 2019	Professor Peter Skelton produced a report pursuant to section 24A of the Resource Management Act 1991 (“RMA”) following the Minister for the Environment having initiated a review of the freshwater management and allocation functions at Otago Regional Council (“ORC”). The report stated that the Minister should recommend that the ORC undertake a complete review of its Regional Policy Statement by November 2020
18 November 2019	The Minister wrote to ORC enclosing Professor Skelton’s report and making recommendations to the ORC under section 24A, including the formal recommendation that by November 2020 ORC undertake a complete review of its Regional Policy Statement with the intention that it be made operative by 1 April 2022
16 December 2019	ORC wrote to the Minister for the Environment accepting the Minister’s recommendations with respect to the Regional Policy Statement
16 June 2021	ORC considered the Proposed Otago Regional Policy Statement 2021 (“pRPS”) at its meeting on 16 June 2021 and affirmed that the pRPS was a freshwater planning instrument as defined in Section 80A(2) of the RMA

Date	Event
24 June 2021	<p>The Royal Forest and Bird Protection Society of New Zealand Incorporated (“Forest & Bird”) wrote to ORC about whether the pRPS was a freshwater planning instrument in terms of section 80A of the RMA in its entirety or whether parts of it did not relate to freshwater.</p> <p>F&B and ORC agreed to cooperate to have the matter determined by the Court</p>
26 June 2021	<p>The pRPS was publicly notified and opened for submissions. The public notice recorded that the whole of the pRPS would be subject to the freshwater planning process.</p>
3 September 2021	<p>Submission period on the pRPS closed</p>
3 September 2021	<p>ORC filed proceedings under the Declaratory Judgements Act 1908</p>
30 October 2021	<p>Summary of Decisions Requested Report was publicly notified</p>
11 November 2021	<p>ORC notified the Chief Freshwater Commissioner:</p> <ol style="list-style-type: none"> 1. of its intention to provide the pRPS and the documents required by Clause 37(1) to the Chief Freshwater Commissioner; and 2. of the names of ORC’s two nominees to sit as Commissioners on the pRPS hearing panel
12 November 2021	<p>The initial further submissions period closed</p>

Date	Event
17 November 2021	Summary of Decisions Requested Report Corrigendum [<i>Corrections</i>] was notified
1 December 2021	The period for making further submissions on the Summary of Decisions Requested – Corrigendum report closed
2 December 2021	ORC advised the Freshwater Commissioner of the local tangata whenua nominee for appointment to the freshwater hearings panel
10 December 2021	The ORC submitted the pRPS and other documents required by section 80A(4)(c) to the Chief Freshwater Commissioner in accordance with Clause 37(1), Subpart 1, Part 4 of the RMA
On or about 17 January 2022	Freshwater Hearing Panel to be formally appointed