

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

**Forest & Bird - Chronology of key events**

**21 January 2022**

<b>Date</b>	<b>Event</b>
19 June 2019	Regulatory Impact Statement <i>Impact Statement: A new planning process for freshwater</i> published.
23 September 2019	Cabinet seeks agreement to include a specialised planning process for freshwater in the Resource Management Amendment Bill.
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.
30 March 2020	Final Report of the Environment Committee – Resource Management Amendment Bill published.
31 March 2020	Ministry for the Environment's Departmental Report on Resource Management Amendment Bill published.
June 2020	Ministry for the Environment publishes Freshwater Planning Process Factsheet.
30 June 2020	Resource Management Amendment Bill 2019 receives Royal Assent.

1 July 2020	Subpart 4 “Freshwater planning process” of the Resource Management Bill comes into force.
3 August 2020	National Policy Statement for Freshwater Management 2020 approved by Governor-General.
3 September 2020	National Policy Statement for Freshwater Management 2020 comes into force.
May 2021	Section 32 Report behind Proposed Otago Regional Policy Statement 2021 (“PORPS”) published.
16 June 2021	ORC considered the PORPS at its meeting on 16 June 2021 and affirmed that the PORPS was a freshwater planning instrument as defined in Section 80A(2) of the RMA.
24 June 2021	The Royal Forest and Bird Protection Society of New Zealand Incorporated (“Forest & Bird”) wrote to ORC about whether the PORPS 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.  F&B and ORC agreed to cooperate to have the matter determined by the Court.
26 June 2021	The PORPS was publicly notified and opened for submissions. The public notice recorded that the whole of the PORPS would be subject to the freshwater planning process.
3 September 2021	Submission period on the PORPS closed.  ORC filed proceedings under the Declaratory Judgements Act 1908.
30 October 2021	Summary of Decisions Requested Report was publicly notified.
11 November 2021	ORC notified the Chief Freshwater Commissioner of its intention to provide the PORPS and the documents required by Clause 37(1) to the Chief Freshwater Commissioner; and of the names of ORC’s two nominees to sit as Commissioners on the PORPS hearing panel.
12 November 2021	The initial further submission period closed.

17 November 2021	Summary of Decisions Requested Report Corrigendum [Corrections] 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 PORPS 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.