

**BEFORE THE FRESHWATER HEARINGS PANEL CONVENED BY THE CHIEF
FRESHWATER COMMISSIONER**

IN THE MATTER

of the Proposed Otago Regional Policy Statement
2021

MEMORANDUM ON BEHALF OF THE OTAGO REGIONAL COUNCIL

Dated 15 March 2022

ROSS DOWLING MARQUET GRIFFIN
SOLICITORS
DUNEDIN

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Solicitor: A J Logan

MEMORANDUM ON BEHALF OF THE OTAGO REGIONAL COUNCIL

May it please the Commissioners:

- 1 On 11 March 2022 the parties to the High Court proceedings concerning the status of this freshwater planning process filed a joint memorandum updating the Court and seeking an indication of when the Court's judgment may be issued.
- 2 A copy of that memorandum is **attached**.
- 3 Today the High Court has issued a minute indicating when its judgment may be issued.
- 4 A copy of that minute is **attached**.



Simon Anderson
Counsel for Otago Regional Council
15 March 2022

IN THE HIGH COURT OF NEW ZEALAND
DUNEDIN REGISTRY

I TE KŌTI MATUA O AOTEAROA
ŌTEPOTI ROHE

CIV-2021-412-000089

IN THE MATTER of application under the Declaratory Judgments Act 1908

BETWEEN **OTAGO REGIONAL COUNCIL**, a regional council under
Schedule 2 of the Local Government Act 2002

Plaintiff

AND **ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED**, an incorporated society
having its registered office at 205 Victoria St, Wellington

Defendant

JOINT MEMORANDUM

Judicial Officer: Justice Nation
Case Manager: Rebecca Lau

Royal Forest and Bird Protection Society of New Zealand Inc
Solicitors: P Anderson/M Downing
PO Box 631
Wellington
0212866992/022 048 1970
p.anderson@forestandbird.org.nz/m.downing@forestandbird.org.nz

JOINT MEMORANDUM

May it please the Court:

1. At the conclusion of the hearing the Court indicated that a decision should not be expected imminently due to other matters requiring a decision but would be issued in due course.
2. To update the Court, on 28 February 2022 the Freshwater Hearings Panel (the freshwater panel) for the Proposed Otago Regional Policy Statement (PORPS) has issued a minute (the Minute) regarding the hearing. The Minute:
 - (a) contains an evidence exchange timetable 14 April 2022;
 - (b) gives notice that hearings will commence on 30 May 2022; and
 - (c) directs a hearing plan for the whole PORPS.
3. In relation to the hearing plan, the Minute provides:
 5. The hearing plan is directed now but may be subject to change depending on the outcome of the recent High Court hearing concerning the status of the PORPS as a freshwater instrument.
4. If there is a further indication the Court can give as to when its judgement may be issued, then this may assist the parties and the freshwater panel, acknowledging that the Court may or may not be in a position to do so.
5. Canterbury Regional Council and Ngā Rūnunga have indicated they are neutral on the matters subject to this memorandum and therefore have not signed it.



A J Logan / T Sefton
Counsel for Otago Regional Council



P Anderson / M Downing
Counsel for Royal Forest and Bird
Protection Society of New Zealand Inc



L Andersen QC
Counsel for Port Otago Limited



S Christensen / J St John
Counsel for Oceana Gold (New Zealand)
Limited



M Garbett
Counsel for Dunedin City Council and
Waitaki District Council



R Dixon / R Muston
Counsel for Minister for the Environment



S Scott
Counsel for Queenstown Lakes
District Council



J Macdonald
Counsel for Central Otago District Council



S Gepp
Counsel for Rayonier Matariki Forests
and Ernslaw One Limited



M Baker-Galloway / R Giles
Counsel for Otago Fish & Game Council

**IN THE HIGH COURT OF NEW ZEALAND
DUNEDIN REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
ŌTEPOTI ROHE**

CIV-2021-412-000089

BETWEEN

OTAGO REGIONAL COUNCIL
Plaintiff

AND

ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED
Defendant

Hearing: On the papers

Date of Minute: 15 March 2022

MINUTE OF NATION J

[1] I refer to the memorandum from counsel received on 11 March 2022 and the attached minute from the Hearings Panel.

[2] I cannot give any firm indication as to when my judgment will be available. I can indicate that, given a current trial and other commitments, I do not expect my judgment to be available before the end of June 2022.

[3] I am also conscious that, given the terms of the legislation and the importance of the issues that were raised before me, whatever I say in my judgment may well be the subject of an appeal.

[4] I will however be doing my best to deal with the issues comprehensively and as soon as I can.