

Otago Regional Council

Proposed Otago Regional Policy Statement 2021

(excluding parts determined to be a freshwater planning instrument)

CAUCUSING ON REGIONALLY SIGNIFICANT ISSUES

[Minute 6]

INTRODUCTION

1. In the evidence lodged for week 2 of the ORPS hearings into the Chapters on Significant Resource Management Issues for the Region (SRMR) and Integrated Management (IM), repetitive features have continued consistently, which arose from submissions lodged by a number of substantial submitters.
2. Those features have involved a request for recognition in the SRMR or IM chapters of a new issue, or issues, in respect of asserted regionally significant industries or activities, and of regionally significant infrastructure; or requests for amendments to achieve those outcomes in one or more of the notified proposed issues.
3. The submitters identified by the Panel, or the s.42A report writer Ms. J.A. Todd, as having made that request, either in submissions and/or in evidence in respect of asserted regionally significant industries or activities, include:
 - a. Oceana Gold NZ Limited
 - b. Fonterra
 - c. Horticulture NZ
 - d. Otago Fish & Game Council & Central Fish & Game Council
 - e. Wayfare/Real Group NZ Limited/Trojan/NZ Ski
4. Similar requests in respect of asserted regionally significant infrastructure have been made by infrastructure operators including the following generators, electricity or telecommunication network operators, and a roading network operator:
 - a. Contact Energy Limited
 - b. Manawa Energy Limited

- c. Meridian Energy limited
 - d. Transpower
 - e. Aurora Energy Limited, Network Waitaki Limited, Powernet Limited
 - f. Chorus, Vodafone, Spark
 - g. Waka Kotahi NZ
5. A range of different forms of wording have been advanced as to amendments to existing notified issues, or as to a new issue or issues, with little, or limited, co-ordination between submitters seeking similar relief.
6. However, commonalities are:
- a. requests for recognition of asserted regionally significant
 - b. infrastructure, industries or activities;
 - c. requests for provision of consent pathways, rather than an
 - d. avoidance approach, particularly given climate change driven
 - e. imperatives for further renewable generation;
 - f. protection from new activity locations giving rise to potential
 - g. reverse sensitivity effects, and the constraints that might follow from those effects;
 - h. for recognition of locational & geographical factors limiting the
 - i. ability of some of those industries, activities or infrastructure to avoid all effects.
7. The proposals for new issues have been recommended to be rejected by the s.42A report writer on the SRMR chapter.
8. Obviously, while the Panel will not be making decisions as to the merits of the submissions underlying these requests until it has heard all relevant evidence, and heard final ORC report writer or legal responses, nonetheless its deliberations would be assisted by any co-ordinated proposed wording for a new issue or issues, which those submitters involved in making the requests may be able to agree upon.

9. The Panel would also be assisted by any response the s.42A report writers or counsel for ORC may wish to advance once the ORC has had the opportunity to assess such a co-ordinated response.
10. Therefore, the Panel extends the opportunity to Mr Horne, (called by Chorus, Vodafone and Spark), and Ms Tait, (called by Fonterra), who offered to lead such a co-ordination process, to conduct an informal caucusing of planning experts for those submitters interested in pursuing such relief.
11. The Panel would obviously prefer to have a unanimous co-ordinated response. However, if only a majority agreement, or agreements, on a proposed new issue, or issues, wording can be reached, a concise statement as to the reasons why unanimity could not be reached would also assist.
12. A timetable direction is needed. The Panel fixes the date for any such response to be made by the end of March, 2023.
13. The ORC response is expected as part of the ORC closing.
14. This Minute is to be lodged on the ORC website and copies emailed to all those submitters involved in the hearing process.
15. The Panel wishes to record that any submitter who has made a similar such request, but whose identification may have been inadvertently missed above, should make contact with either Mr. Horne or Ms. Tait if they wish to participate in the caucusing.
16. Finally, while it is not really necessary for the Panel to say so, we wish to encourage interested submitters to engage in the caucusing. We record that the fact of their doing so will not have any effect on the weight we give to their original submission requests which remain unaffected.

Ron Crosby for and on behalf of the Panel

Dated 10 February 2023