

BEFORE THE HEARINGS PANEL

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of the Proposed Otago Regional Policy Statement
2021 (Non-Freshwater Parts) ("PORPS")

MEMORANDUM OF COUNSEL FOR THE OTAGO REGIONAL COUNCIL

Dated 24 February 2022

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MEMORANDUM OF COUNSEL FOR THE OTAGO REGIONAL COUNCIL

May it please the Panel:

Introduction

- 1 This memorandum is filed on behalf of the Otago Regional Council (“ORC”) in response to Minute 5.
- 2 On 27 January 2023 the Panel directed:
 - 2.1 Ms Boyd to file evidence on the effect of the amended NPSFM by 24 February 2023; and
 - 2.2 Otago Regional Council to lodge any further evidence by s 42A report writers addressing the potential for separate relevant chapter amendments as to effects of mineral extraction activities by 24 February 2023.
- 3 In accordance with those directions, on Friday 24 February 2023 ORC filed:
 - 3.1 Evidence from Felicity Boyd on the amendments made in December 2022 to the National Policy Statement for Freshwater Management. Ms Boyd’s statement of evidence covers possible amendments, which the Commissioners may consider, in response to submissions to the proposed Regional Policy Statement 2021, where the 2022 amendments to the NPSFM are relevant.
 - 3.2 Evidence from the relevant s 42A authors in response to the evidence given by Claire Hunter for Oceana Gold (New Zealand) Limited:
 - 3.2.1 Chapter 1: Introduction and general themes – Felicity Boyd.
 - 3.2.2 Chapter 5: Significant resource management issues for the region – Jacqui Todd.
 - 3.2.3 Chapter 7: Air – Hannah Goslin.

- 3.2.4 Chapters 8, 12 and 14: Coastal environment, Hazards and risks and Natural features and landscapes – Andrew Maclennan.
- 3.2.5 Chapter 10: Ecosystems and indigenous biodiversity – Melanie Hardiman.
- 3.2.6 Chapter 13: Historical and cultural values – Angela Fenemor; and
- 3.2.7 Chapter 15: Urban form and development – Elizabeth White.
- 4 In addition, to assist the Commissioners, ORC files a version of the proposed Regional Policy Statement 2021 which sets out the amendments arising out of the recommendations in Ms Boyd’s evidence on the NPSFM and the responses to Ms Hunter’s evidence.
- 5 The key for navigating the updated copy is provided below.

Key

Appearance	Explanation
Black text with no shading	Parts of the Proposed Otago Regional Policy Statement notified on 26 June 2021 that are not a freshwater planning instrument.
Black text with blue shading	Parts of the Proposed Otago Regional Policy Statement notified on 30 September 2022 that are a freshwater planning instrument and are shown here for information only.
<u>Black text with underlining</u> or strikethrough	Amendments recommended by Reporting Officers through the Section 42A Reports.
<u>Red text with underlining</u> or strikethrough	Additional amendments recommended in supplementary evidence dated 11 October 2022.
<u>Brown text with underlining</u> or strikethrough	Additional amendments recommended in supplementary evidence dated 21 October 2022.
<u>Green text with underlining</u> or strikethrough	Additional amendments recommended in supplementary evidence dated 24 February 2023.

- 6 The green text shows the proposed amendments for all evidence filed on 24 February 2023 for the NPSFM and mineral extraction amendments.
- 7 The purpose of the further amended proposed Regional Policy Statement is to assist the Commissioners and other parties in understanding in context the amendments discussed in this further evidence.

- 8 The accompanying version of the proposed RPS is not binding on the Commissioners.
- 9 Further, submissions are only partly heard at this point. The report writers will continue to reconsider their positions in light of legal submissions and further evidence yet to be adduced. Their final positions will be presented in the Council's reply.



T M Sefton
Counsel for Otago Regional Council
Dated 24 February 2022