

Otago Regional Council
Proposed Otago Regional Policy Statement 2021

(excluding parts determined to be a freshwater planning instrument)

Response to Memorandum for Aurora Energy & Others

[Minute 14]

1. We have received a memorandum of Counsel dated 24 April 2023 for Aurora Energy Limited and other electricity distribution businesses regarding an Environment Court decision regarding operation, maintenance and upgrading of Regional Significant Infrastructure in the context of the Queenstown Lakes District Plan and seeking a timetable to provide supplementary submissions.
2. We have considered the “decision” of the Environment Court referred to and observe the following:
 - a. The decision is labelled as a Determination of the Environment Court.
 - b. At its consideration on the issue of costs the Court observes at paragraph 53:

Given the circumstances in particular of parties reaching full settlement of all matters in contention between them through court-facilitated mediation, this is plainly a case where costs should lie where they fall. There will be no order for costs on all matters to date.
 - c. The Determination appears to address the finer wording detail of what appears to be in essence a resolution achieved by consent with some limited amendments by the Court to the agreed wording.
 - d. The wording settled by the Determination relates to the Proposed District Plan for the Queenstown Lakes District, and to properly appreciate the effect of the settled wording would require a detailed assessment of the context within which the settled terms are utilised in that proposed District Plan.
3. Given all of these factors the Panel has reservations that the Determination provides or was intended to provide propositions of law or general application to other regional policy statements or regional or district plans.
4. Against these background concerns, though, the Panel is open to receipt of submissions by any interested parties as to the reliance of the Determination to its deliberations.
5. A timetable is required as follows:
 - a. Any supplementary submissions from parties involved in the PDP RSI Determination by lodged by Friday 5 May;

- b. Any supplementary submissions by interested submitters on PORPS be lodged by 19 May;
- c. Any response by ORC be lodged as part of its closings on 29 and 30 May, 2023.

Dated 26 April 2023

Ron Crosby
Chair Hearings Panel