

**BEFORE THE HEARINGS PANEL**

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**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")

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**MEMORANDUM OF COUNSEL FOR THE OTAGO REGIONAL COUNCIL ON  
NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY**

Dated 13 July 2023

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## MEMORANDUM OF COUNSEL FOR THE OTAGO REGIONAL COUNCIL

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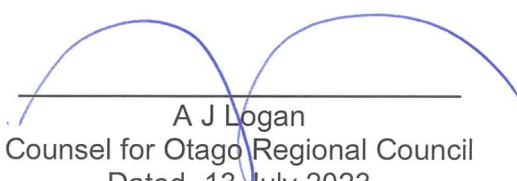
**May it please the Commissioners:**

**Background**

1. The National Policy Statement for Indigenous Biodiversity (“NPSIB”) was issued on Friday 7 July 2023. The new National Policy Statement comes into force on 4 August 2023.
2. A regional policy statement must give effect to a National Policy Statement.
3. At clause 4.1(1) the NPSIB directs every local authority to give effect to the NPSIB as soon as reasonably practical.
4. When a new National Policy Statement comes into force after a regional policy statement has been notified, and before decisions are made on submissions, a new National Policy Statement can be given effect to only to the extent the notified document and submissions on it allow.
5. In this case, the NPSIB contains provisions directly relevant to the subject matter of the proposed RPS, in particular in the Ecosystems and Indigenous Biodiversity chapter.
6. There is scope in submissions on the regional policy statement to implement the NPSIB, at least in part.
7. ORC is undertaking an analysis of the NPSIB, and its implications for the proposal and the extent to which it must be given effect to in making recommendations on submissions.
8. ORC proposes that a timetable be set for it to produce that analysis, for submitters to respond, with ORC having a final right of reply.
9. In proposing the timetable, ORC is conscious that it and most submitters will be preoccupied by other commitments, including preparation for and the conduct of the hearings on the freshwater part of the proposed RPS.

## Timetable

10. Accordingly, the timetable proposed for the panel's considerations is:
  - 10.1. ORC to provide its evidence and any supporting submissions by 8 September 2023;
  - 10.2. Submitters to respond by 29 September 2023; and
  - 10.3. ORC to exercise any right of reply by 6 October 2023.



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A J Logan  
Counsel for Otago Regional Council  
Dated 13 July 2023