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Under	the Resource Management Act 1991 ( <b>RMA</b> )
In the matter of	an appeal under Clause 14(1), First Schedule of the RMA in relation to the proposed Otago Regional Policy Statement ( <b>pORPS</b> )
Between	<b>Ravensdown Limited</b>  Appellant
And	<b>Otago Regional Council</b>  Respondent

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**Notice of appeal**

7 December 2016

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**Appellant's solicitors:**

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**To:** The Registrar  
Environment Court  
Christchurch

- 1 Ravensdown Limited (**Ravensdown**) appeals parts of the decisions of the Otago Regional Council (**ORC**) on the proposed Otago Regional Policy Statement (**pORPS**).
- 2 Ravensdown made a submission<sup>1</sup> and further submissions<sup>2</sup> on the pORPS.
- 3 Ravensdown is not a trade competitor for the purposes of section 308D of the RMA.
- 4 Ravensdown received notice of the decisions on 1 October 2016.
- 5 The decisions were made by the ORC.

#### **Decisions appealed**

- 6 The parts of the decisions being appealed are:
  - (a) The decision to reject the submission on Policy 3.1.6 "Air quality"<sup>3</sup>;
  - (b) The decision to reject the submission on Policy 3.1.5 "Coastal water"<sup>4</sup>; and
  - (c) The decision to reject the submissions on Policy 2.3.4 "Applying an integrated management approach for the coastal environment" which has now been incorporated into the new Policy 1.1.1 "Integrated resource management".

#### **Reasons**

- 7 The reasons for the appeal are as follows:
  - (a) Ravensdown requested amendments to Policy 3.1.6 to acknowledge situations where the air quality environment has already been degraded. Whilst Ravensdown supports air quality values being maintained and enhanced, the pORPS needs to acknowledge situations where the air

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<sup>1</sup> Dated 24 July 2015

<sup>2</sup> Dated 25 September 2015

<sup>3</sup> Previously Policy 2.1.4

<sup>4</sup> Previously Policy 2.1.3

quality is already degraded. Furthermore, it is more appropriate if the policy refers to "*after reasonable mixing*" as this is the point at which any evaluation or testing will occur.

- (b) For the same reasons, Ravensdown supports coastal water values being maintained and enhanced but considers the pORPS needs to acknowledge situations where coastal water values are already degraded
- (c) Amendments are sought to Policy 1.1.1 to acknowledge the economic activities that take place in the coastal and harbour areas. The economic wellbeing of people and communities is one of the facets of sustainable management<sup>5</sup>. It is appropriate that these activities should be acknowledged as part of integrated management in the pORPS policies.

### **Relief**

8 Ravensdown seeks the following relief:

- (a) Amend Policy 3.1.6 to include the words "*after reasonable mixing*" in the first sentence and to include a new item "*(c) Maintain the ability of existing development and infrastructure to operate.*"
- (b) Amend Policy 3.1.5(d) to read "*Maintain or enhance coastal water quality; and*" and insert a new item "*(h) Allow for the economic use of and discharges into coastal water within a sustainable range.*"
- (c) Amend Policy 1.1.1 to recognise the economic activities that occur in the Otago region as part of considering an integrated management approach.
- (d) Any additional or alternative relief that achieves the same or similar outcome.

### **Attached documents**

9 The following documents are **attached** to this notice:

- (a) A copy of the Ravensdown's submission and further submissions;
- (b) A copy of the decisions of the ORC on the pORPS; and

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<sup>5</sup> Section 5(2) RMA

- (c) A list of names and addresses of persons to be served with a copy of this notice.

Dated this 7th day of December 2016



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Stephen Christensen / Rachel Brooking  
Counsel for the Appellant

**Address for service of the Appellant**

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Contact persons: Stephen Christensen | Rachel Brooking

**Advice to recipients of copy of notice**

*How to become party to proceedings*

You may be a party to the appeal if,—

- (a) within 15 working days after the period for lodging a notice of appeal ends, you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

*How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not attach a copy of the Appellant's submission and further submission or the decisions appealed. These documents may be obtained, on request, from the Appellant.

*Advice*

If you have any questions about this notice, contact the Environment Court in Christchurch.