

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ

Decision No. [2025] NZEnvC 394

IN THE MATTER of the Resource Management Act 1991

AND appeals under clause 14 of the First
Schedule to the Act

BETWEEN AURORA ENERGY LIMITED,
NETWORK WAITAKI LIMITED &
POWERNET LIMITED (and eight
other appellants as set out in the
Schedule)

(ENV-2024-CHC-24)

Appellants

AND OTAGO REGIONAL COUNCIL

Respondent

Court: Environment Judge P A Steven

Last case event: 7 November 2025

Date of Decision: 9 December 2025

Date of Issue: 9 December 2025

CORRIGENDUM



AURORA ENERGY LIMITED v ORC

REASONS

[1] This corrigendum concerns a consent order issued in relation to appeals filed against the decisions by Otago Regional Council on the ‘CE – Coastal Environment’ chapter of the non-freshwater planning instrument parts of the proposed Otago Regional Policy Statement 2021.¹

[2] It has been drawn to my attention that the consent order regrettably contains the following errors:

- (a) Environmental Defence Society Incorporated’s resolved appeal points in relation to CE-P9 and CE-P10 have been omitted from ‘A:’ of the consent order; and
- (b) the incorrect annexure is attached to the consent order.

Correction

[3] In accordance with s278 RMA and Rule 11.10 of the District Court Rules 2014, the court has the power to correct errors including accidental slips or omissions. Rule 11.10 is set out as follows:

11.10 Correction of accidental slip or omission

(1) A judgment or order may be corrected by the court or the Registrar who made it, if it—

(a) contains a clerical mistake or an error arising from an accidental slip or omission, whether or not made by an officer of the court; or

(b) is drawn up so that it does not express what was decided and intended.

(2) The correction may be made by the court or the Registrar, as the case may

¹ [2025] NZEnvC 366.

be,—

(a) on its or his or her own initiative; or

(b) on an interlocutory application.

[4] I am satisfied that an error has occurred resulting in the accidental omission of resolved appeal points from ‘A.’ of the consent order, which is inconsistent with what was intended by the parties. I am also satisfied that a clerical error has resulted in the wrong annexure being appended to the consent order.

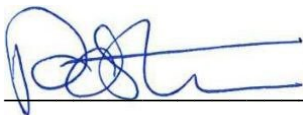
[5] It is important that the court in issuing a consent order correctly identify which appeal points are being resolved and what amendments have been made as a result of the consent order.

[6] I therefore correct ‘A.’ of consent order [2025] NZEnvC 366 to include the resolved appeal points by Environmental Defence Society Incorporated in relation to:

(a) CE-P9; and

(b) CE-P10.

[7] The consent order is also amended by replacing existing ‘Annexure 1’ with ‘Annexure 1’ as attached to this corrigendum.



P A Steven
Environment Judge



Schedule

1. ENV-2024-CHC-25 Dunedin City Council
2. ENV-2024-CHC-26 Royal Forest and Bird Protection Society of New Zealand Incorporated v ORC
3. ENV-2024-CHC-27 Rayonier Matariki Forests, City Forests Limited, Ernslaw One Limited and Port Blakely NZ Limited
4. ENV-2024-CHC-30 Cain Whānau
5. ENV-2024-CHC-35 Transpower New Zealand Limited
6. ENV-2024-CHC-36 Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga, Te Ao Marama Incorporated on behalf of Waihopai Rūnaka, Te Rūnanga o Ōraka Aparima, and Te Rūnanga o Ōraka Aparima, and Te Rūnanga o Awarua and Te Rūnanga o Ngāi Tahu
7. ENV-2024-CHC-38 New Zealand Transport Agency – Waka Kotahi
8. ENV-2024-CHC-40 Environmental Defence Society Incorporated

Annexure 1

Amend definition:

Commercial forestry	has the same meaning as in regulation 3 of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (as set out in the box below) <div>means exotic continuous-cover forestry or plantation forestry</div>
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Amend objectives:

CE-O1A – Te Mauri o te Moana

The health of Otago's water in the coastal environment ~~coastal water~~ is:

- (a) protected from inappropriate activities so as to protect the health and well-being of the wider *environment* and the mauri of *coastal waters*, and
- (b) restored where it is degraded, including through enhancing *coastal water* quality where it has deteriorated from its natural condition.

CE-O1 – Safeguarding the coastal environment (Te Hauora o Te Tai o Arai Te Uru)

The health, integrity, form, functioning and *resilience* of Otago's coastal environment is safeguarded so that:

- (2) *coastal water* quality supports healthy ecosystems, natural habitats, water-based recreational activities, existing activities, and customary uses, including practices associated with *mahika kai* and kaimoana,
- (3) the dynamic and interdependent natural biological and physical processes in the coastal environment are maintained or enhanced,
- (4) the diversity of indigenous coastal flora and fauna is maintained, and areas of significant or representative indigenous biodiversity and sites of biological importance are protected.

- (5) *surf breaks* of national significance are protected,
- (6) the interconnectedness of wai Māori and wai tai is protected, and the *effects* of terrestrial and *fresh water* uses and activities on *coastal waters* and ecosystems, are recognised and understood, and
- (7) the ongoing effects of *climate change* within the coastal environment are identified and planned for.

CE-O4 – Mana moana

The enduring cultural relationship of Kāi Tahu with Otago's coastal environment is recognised and provided for, and ~~mana whenua Kāi Tahu~~ are able enabled to:

- (1) exercise their rakatirataka role, manaakitaka and their kaitiaki duty of care within the coastal environment, and
- (2) engage in customary fishing and other *mahika kai*.

CE-O5 – Activities in the coastal environment

Activities in the coastal environment:

- (1) make efficient use of space occupied in the *coastal marine area*,
- (2) are of a scale, density and design compatible with their location,
- (3) are only provided for within appropriate locations and limits, acknowledging that some activities have a *functional need* to be located in the coastal environment, and
- (4) maintain or enhance public access to and along the *coastal marine area*, including for customary uses, such as *mahika kai*, except where public access needs to be restricted for reasons of health and safety or ecological or cultural sensitivity,
- (5) do not compromise the health and abundance of customary fisheries, including within mātaihai reserves and taiāpure, and
- (6) do not compromise the ability of Kāi Tahu to develop, use and protect native reserves and Māori land.

Amend policies:

CE-P3 – Coastal water quality

Manage *water* quality in the coastal environment by:

- (1A) restoring *coastal water* quality where it is considered to have deteriorated to the extent described within CE-P2(2),
- (1) maintaining or enhancing healthy coastal ecosystems, indigenous habitats provided by the coastal environment, *indigenous vegetation* and fauna, and the migratory patterns of indigenous *coastal water* species,
- (2) sustaining Kāi Tahu relationships with and customary uses of *coastal water*,
- (3) maintaining or enhancing recreation opportunities and existing uses of *coastal water*,
- (5) controlling activities outside the *coastal marine area* that have an effect on *coastal water* quality, including by managing the effects of commercial forestry activities on *coastal water* quality in accordance with the NES-CF, unless additional stringency is justified.
- (6) maintaining or enhancing *water* quality within areas of *coastal water* identified in CE-P2(3) where *mana whenua* have a particular cultural interest, and
- (7) setting appropriate limits and targets for *coastal water* quality, including for ecosystem health, habitats of taoka species, sediment, contact recreation and safe kaimoana gathering.

CE-P9 – Activities on *land* within the coastal environment

The strategic and co-ordinated use of *land* within the coastal environment is achieved by:

- (1) encouraging the consolidation of existing coastal settlements and *urban areas* where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth,
- (2) considering the rate at which built development should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the values of the coastal environment,
- (2A) recognising ~~and providing for~~ the *functional needs* and *operational needs* of *infrastructure*,
- (3) recognising the importance of the provision of *infrastructure*, and food production, and pastoral farming activities to the social, economic and cultural

well-being of people and communities,

- (4) requiring development to be set back from the *coastal marine area* and other ~~coastal water~~ bodies in the coastal environment where practicable and reasonable, to protect the natural character, open space, public access and *amenity values* of the coastal environment,
- (5) considering where activities that maintain the character of the existing built environment should be encouraged, and where activities resulting in a change in character would be acceptable,
- (6) taking into account the ongoing *effects* of *climate change* and *coastal hazard* risk,
- (7) enabling the use of native reserves and *Māori land* by *mana whenua* and owners of Māori freehold land in accordance with MW-P4.
- ~~(7) enabling *mana whenua* to provide for their cultural and social needs for *papakāinga*, *marae* and associated developments and make appropriate provision for them.~~

CE-P10 – Activities within the *coastal marine area*

Use and development in the *coastal marine area* ~~must~~:

- (1) must enable multiple uses of the *coastal marine area* wherever reasonable and practicable, and
- (2) must maintain or improve the health, integrity, form, function and *resilience* of the *coastal marine area*, or
- (3) should generally have a *functional need* ~~or operational need~~ to be located in the *coastal marine area*, or
- (4) must have a public benefit or opportunity for public recreation that cannot practicably be located outside the *coastal marine area*.

CE-P11 – Aquaculture

Provide for the development and operation of *aquaculture activities* taking into account policies CE-P3 to CE-P12, and:

- (1) the need for high quality *water* required for an *aquaculture activity*,
- (2) the need for land-based facilities and infrastructure required to support the operation of *aquaculture activities*, ~~and~~
- (3) the potential social, economic and cultural benefits associated with the operation and development of *aquaculture activities*, and

- (4) aquaculture settlement outcomes in accordance with MW-P2(8A) and MW-M5(4).

CE-P13 – Rakatirataka and *kaitiakitaka*

Recognise and give practical effect to Kāi Tahu rakatirataka and the role of Kāi Tahu as kaitiaki of the coastal environment by:

- (1) facilitating partnership with, and actively involving *mana whenua* in decision making and management processes in respect of the coast,
- (2) identifying, protecting, and improving where degraded, sites, areas and values of importance to Kāi Tahu within the coastal environment, and managing these in accordance with tikaka,
- (3) providing for customary uses, including *mahika kai* and the harvesting of kaimoana,
- (4) incorporating the impact of activities on customary fisheries, mātaimai reserves and taiāpure in decision making, and
- (5) incorporating mātauraka Māori in the management and monitoring of activities in the coastal environment, and
- (6) having regard to the principles of the Treaty of Waitangi, and the purpose of the redress provided for in the NTCSA, including redress arising from the Ancillary Claims and SILNA by:
 - (a) enabling *mana whenua*, and owners of Māori freehold land in relation to their *land*, to lead approaches to the management of the effects of use and development of native reserves and *Māori land* in accordance with mātauraka and tikaka, and
 - (b) acknowledging that *effects* of the use and development of native reserves and *Māori land*, including on the matters otherwise provided for in CE-P4, CE-P5, CE-P6 and CE-P9(4), may be appropriate on that *land*.

CE-P14 – Discharges of wastewater, sewage, greywater, animal effluent, and industrial and trade waste in the coastal environment

Minimise the adverse effects of *discharges of wastewater, sewage, greywater, animal effluent, and industrial and trade waste* in the coastal environment by:

- (1) recognising and providing for Kāi Tahu values, and having particular regard to the effects of *discharges of wastewater and sewage* on those values, in resource-management decision-making,
- (2) in relation to *discharges to coastal water* from activities on *land*.

- (a) not allowing the new direct *discharge* of untreated *wastewater, sewage, animal effluent, and industrial and trade waste* to *coastal water*.
 - (b) phasing out existing direct *discharges* of treated and untreated *wastewater, sewage, animal effluent, or industrial and trade waste* to *coastal water* to the extent practicable,
 - (c) requiring new *discharges* of treated *wastewater, sewage, animal effluent, and industrial and trade waste* to be to *land* and not to *coastal water*, unless,
 - (i) there has been adequate consideration of alternative methods, sites and routes for undertaking the *discharge*, and either
 - (ii) the adverse effects associated with a *discharge* to *land* are demonstrably greater than a *discharge* to *coastal water*, or
 - (iii) the adverse effects associated with a *discharge* to *coastal water* are significantly less than, and replace, an existing *discharge(s)*.
 - (d) requiring that all *discharges* containing *sewage* or *industrial and trade waste* are *discharged* into a reticulated *wastewater* system, where one is made available by its operator, unless alternative treatment and disposal methods will result in improved outcomes for *coastal water*,
 - (e) requiring implementation of methods to progressively reduce the frequency and volume of wet weather overflows and minimise the likelihood of dry weather overflows occurring from reticulated *wastewater* systems, and
 - (f) promoting source control as a method for reducing *contaminants* in *discharges*.
- (3) in relation to *discharges* to *fresh water* in the coastal environment, applying LF-FW-P16,
- (4) in relation to *discharges* from ports and other relevant marine facilities:
- (a) requiring operators of ports, marinas, and other relevant marine facilities to:
 - (i) provide for the collection of *wastewater* and *sewage* from vessels,
 - (ii) manage the safe containment and disposal of *waste* and other residues from vessel maintenance; and
 - (b) where appropriate, providing for the establishment of facilities for the collection of *sewage* and other wastes from recreational and commercial boating.

CE-P15 – Discharges of stormwater in the coastal environment

Minimise the adverse effects of *discharges of stormwater*, including from a reticulated system, in the coastal environment by:

- (1) requiring integrated catchment management plans for management of *stormwater* in urban areas,
- (2) requiring all *stormwater* to be *discharged* into a reticulated system, where one is made available by its operator, unless alternative treatment and disposal methods will result in the same or improved outcomes for *coastal water*,
- (3) implementing methods to progressively reduce unintentional *stormwater* inflows to *wastewater* systems,
- (4) promoting source control as a method for reducing *contaminants* in *stormwater discharges* and the use of good practice guidelines for managing *stormwater*, and
- (5) in relation to *discharges of stormwater to freshwater* in the coastal environment, applying LF-FW-P15.

Amend methods:

CE-M3 – Regional plans

Otago Regional Council must prepare or amend and maintain its *regional plans* no later than 31 December 2028 to:

- (1) map areas of deteriorated *water* quality in the coastal environment, in accordance with CE-P2(2)
- (1A) identify, manage, and improve where degraded, areas of *coastal water* where *mana whenua* have a particular interest, including *wāhi tūpuna*, statutory acknowledgement areas, tōpuni and *nohoaka* identified in the NTCSA, and customary fisheries,
- (1B) set *water* quality limits and targets for *coastal waters* in accordance with CE-P3,
- (2) map the areas and characteristics of, and access to, *surf breaks* of national significance,

- (3) require development to be set back from the *coastal marine area* and other *coastal water* where practicable to protect the natural character, open space, public access and *amenity values* of the coastal environment,
- (4) manage the *discharge* of *contaminants* into *coastal water* to achieve limits or targets for *water* quality by:
 - (a) using the smallest *mixing zone* necessary to achieve the required *water* quality standards in the receiving environment; and minimise adverse effects on the life-supporting capacity of *water* within any *mixing zone*,
 - (ab) managing *discharges* of *wastewater*, *sewage*, *greywater*, animal effluent, and *industrial and trade waste* in the coastal environment in accordance with CE-P14,
 - (ac) managing *discharges* of *stormwater* in the coastal environment in accordance with CE-P15,
 - ~~(b) prohibiting any new discharge of untreated human sewage directly to water in the coastal environment,—~~
 - ~~(ba) requiring the implementation of methods to progressively reduce the volume and frequency of existing discharges of untreated human sewage from reticulated wastewater systems in the event of a system failure or overloading the system, including by minimising stormwater inflows and infiltration into wastewater systems,—~~
 - ~~(bb) encouraging methods and actions to reduce contaminant discharges at source,—~~
 - ~~(c) prohibiting the discharge of treated human sewage directly to water in the coastal environment unless:—~~
 - ~~(i) there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge, and—~~
 - ~~(ii) it can be demonstrated that the proposal has been informed by consultation with tangata whenua and the affected community, and—~~
 - (d) reducing the *discharge* of sediment by:
 - (i) requiring that *subdivision*, use, or development will not increase sedimentation of the *coastal marine area* or other *coastal water*,
 - (ii) controlling the impacts of vegetation removal on sedimentation including excluding the impacts of harvesting plantation commercial forestry, and
 - (iii) reducing sediment loadings in runoff and in *stormwater* systems through controls on land use activities, and

- (da) controlling the impacts of harvesting *commercial forestry*, in accordance with the NESCF, unless additional stringency is justified,
- ~~(e) designing, installing, operating and maintaining new reticulated wastewater systems to avoid cross-contamination between wastewater and stormwater systems and remedying cross-contamination where it currently exists in established systems, and~~
- (f) having particular regard to:
 - (i) the sensitivity of the *receiving environment*,
 - (ii) the nature of the *contaminants* to be *discharged*, the *contaminant* concentration thresholds not to be exceeded to achieve the required *water* quality in the *receiving environment*, and the risks if that concentration of *contaminants* is exceeded,
 - (iii) the capacity of the *receiving environment* to assimilate the *contaminants*, and
 - (iv) avoiding significant adverse effects on ecosystems and habitats after reasonable mixing,
- (5) control the use and development of the *coastal marine area*, in order to:
 - (a) manage *coastal water* quality; preserve and restore natural character; and protect natural features and landscapes (including seascapes), *wāhi tūpuna* and indigenous *biodiversity* of the *coastal marine area* in accordance with CE-P3, CE-P4, CE-P5, CE-P6 and HCV-WT-P2, and
 - (b) manage Otago's *surf breaks* of national significance in accordance with CE-P7,
- (6) include provisions requiring the adoption of a precautionary approach to assessing the *effects* of activities in the coastal environment in accordance with IM-P6 where:
 - (a) there is scientific uncertainty or a lack of relevant knowledge, or
 - (b) there are potentially significant or irreversible adverse *effects*, or
 - (c) coastal resources are potentially vulnerable to effects from climate change,
- (7) identify areas that may be appropriate for aquaculture,
- (8) provide for walking access to, along, and adjacent to the *coastal marine area* in accordance with Policy 19 of the NZCPS,
- (9) control vehicle access to, along, and adjacent to the *coastal marine area* in accordance with Policy 20 of the NZCPS,
- (10) manage *reclamation* and de-reclamation activities in accordance with CE-P12, in addition to the other matters in CE-P1A to P11 and P13, and when

reclamation is considered suitable in accordance with CE-P12, have particular regard to the matters listed in Policy 10(2) and (3) of the NZCPS,

- (11) require stock to be excluded from the *coastal marine area*, adjoining intertidal areas and *coastal water* and riparian margins in the coastal environment, and
- (12) provide for and encourage activities undertaken for the primary purpose of enhancing *coastal water* quality, coastal habitats and ecosystems, customary fisheries, *mahika kai* and kaimoana activities, and restoring natural character, features and landscapes (including seascapes) in accordance with CE-P3, CE-P4, CE-P5, CE-P6, and CE-P13, and
- (13) identify any aquaculture settlement areas gazetted under the Māori Commercial Aquaculture Claims Settlement Act 2004.

CE-M4 – District plans

Territorial authorities must prepare or amend and maintain their *district plans* to:

- (1) control the location, density and form of *subdivision* in the coastal environment (outside the *coastal marine area*),
- (2) control the location, scale and form of *buildings* and *structures* in the coastal environment (outside the *coastal marine area*),
- (3) control the location and scale of *earthworks*, mining, and vegetation planting, modification and removal in the coastal environment (outside the *coastal marine area*), excluding commercial forestry activities,
- (3AA) in relation to commercial forestry activities, manage the location and scale of earthworks, and vegetation planting, modification and removal in the coastal environment, in accordance with the NESCF, unless additional stringency is justified,
- (3A) achieve the integrated management of, and control over, land use activities which could cause direct or indirect *effects* on the *coastal marine area* in accordance with CE-P1A,
- (4) require *resource consent* for uses of *land* on reclamations that have occurred after the date this RPS becomes operative,
- (5) provide for the establishment of *esplanade reserves* and *esplanade strips*,
- (6) include provisions requiring the adoption of a precautionary approach to assessing the *effects* of activities in the coastal environment in accordance with IM-P6 where:
 - (a) there is scientific uncertainty or a lack of relevant knowledge, or
 - (b) there are potentially significant or irreversible adverse *effects*,

- (c) coastal resources are potentially vulnerable to the effects of climate change,
- (7) provide for walking access to, along, and adjacent to the *coastal marine area* in accordance with Policy 19 of the NZCPS,
- (8) control vehicle access to, along, and adjacent to the *coastal marine area* in accordance with Policy 20 of the NZCPS,
- ~~(9) recognise *mana whenua* needs for *papakāika*, marae and associated developments within the coastal environment and make appropriate provision for them,~~
- (9) enable the use of native reserves and Māori land by *mana whenua* and owners of Māori freehold land in accordance with CE-P9(7), and recognise *rakatirataka* over this *land* by enabling *mana whenua*, and owners of Māori freehold land in relation to their *land*, to lead approaches to manage any adverse effects of such use on the *environment* in accordance with CE-P13(6),
- (10) provide access to *surf breaks* of national significance, and
- (11) provide for and encourage activities undertaken for the primary purpose of enhancing *coastal water* quality, coastal habitats and ecosystems, customary fisheries and other *mahika kai* activities restoring natural character, features, or landscapes in accordance with CE-P1, CE-P3, CE-P4, CE-P6 and CE-P13.

