

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA  
ŌTAUTAHI ROHE**

**ENV-2024-CHC-021-033 &034-040**

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**UNDER** the Resource Management Act 1991

**IN THE MATTER** of appeals under clause 14(1) of the First Schedule of the Act in relation to the non-freshwater planning instrument parts of proposed Otago Regional Policy Statement 2021 (pORPS21)

**BETWEEN** **ARA POUTAMA AOTEAROA DEPARTMENT OF CORRECTIONS** and the other appellants on the non-freshwater planning instrument parts of the Proposed Otago Regional Policy Statement 2021 listed overleaf

Appellants

**AND** **OTAGO REGIONAL COUNCIL**, a regional council under Schedule 2 of the Local Government Act 2002, having its principal office at 70 Stafford Street, Dunedin

Respondent

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**MEMORANDUM OF THE OTAGO REGIONAL COUNCIL REPORTING ON  
PROGRESS OF APPEALS ON THE NON-FRESHWATER INSTRUMENT PARTS OF  
THE PROPOSED OTAGO REGIONAL POLICY STATEMENT**

**Dated:** 5 February 2025

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ROSS DOWLING MARQUET GRIFFIN  
SOLICITORS  
DUNEDIN

Telephone: (03) 477 8046  
Facsimile: (03) 477 6998  
PO Box 1144, DX YP80015

Solicitor: S J Anderson

**AND AURORA ENERGY LIMITED, NETWORK WAITAKI LIMITED  
AND POWERNET LIMITED**

**AND BP OIL NEW ZEALAND LIMITED, MOBIL OIL NEW ZEALAND  
LIMITED, AND Z ENERGY LIMITED**

**AND CAIN WHĀNAU**

**AND DUNEDIN CITY COUNCIL**

**AND ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED**

**AND MANAWA ENERGY LIMITED**

**AND MERIDIAN ENERGY LIMITED**

**AND OCEANA GOLD (NEW ZEALAND) LIMITED**

**AND PORT OTAGO LIMITED**

**AND QUEENSTOWN AIRPORT CORPORATION LIMITED**

**AND RAYONIER MATARIKI FORESTS, CITY FORESTS LIMITED,  
ERNSLAW ONE LIMITED and PORT BLAKELY NZ LIMITED**

**AND REAL GROUP LIMITED**

**AND ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW  
ZEALAND INCORPORATED**

**AND 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 AWARUA and TE RŪNANGA O NGĀI  
TAHU**

**AND TRANSPower NEW ZEALAND LIMITED**

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**MEMORANDUM OF THE OTAGO REGIONAL COUNCIL REPORTING ON  
PROGRESS OF APPEALS ON THE NON-FRESHWATER INSTRUMENT  
PARTS OF THE PROPOSED OTAGO REGIONAL POLICY STATEMENT**

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**To**           The Registrar  
                  Environment Court  
                  Christchurch

**And to:**     Each Appellant on the non-freshwater planning instrument parts of the  
                  Proposed Otago Regional Policy Statement 2021

**Introduction**

- 1           This memorandum reports on the progress and status of Environment Court Appeals on the non-freshwater planning instrument parts of the proposed Otago Regional Policy Statement 2021 (“**PORPS 21**”).
  
- 2           On 20 May 2024, the Court issued directions in relation to:
  - 2.1         the maintenance of an “Appeals Webpage”;
  - 2.2         the service of appeals; and
  - 2.3         the filing of section 274 notices.
  
- 3           The Court further directed that by 12 July 2024, the ORC files an initial case management memorandum, which, among other matters, directed the ORC to identify topics and groups for mediation and/or hearings and potential dates for mediation on each topic.
  
- 4           On 12 July 2024, ORC filed a case management memorandum, which included ORC’s proposed list of topics and groups, their sequencing and suggested timeframes for Court-assisted mediation.
  
- 5           ORC has complied with the above directions.

**Mediation Directions**

- 6           By Minute dated 20 September 2024, Commissioner Buchanan:
  - 6.1         confirmed the schedule of mediation dates for all chapters and directed mediations be set down in accordance with that schedule; and

6.2 set directions for the exchange and timetabling of mediation position papers.

7 Mediations have proceeded in accordance with those directions.

### **Mediation**

8 Mediation has occurred on several groups within the PORPS 21. The following groups have been mediated in the order set out below:

8.1 Significant resource management issues for the region (Group 2);

8.2 Integrated management (Group 3);

8.3 Mana whenua (Group 1);

8.4 Land, freshwater and soil (Group 5); and

8.5 Air (Group 6).

9 Mediation on Group 4 (Energy, infrastructure and transport) occurred on 28 to 31 January 2025. The mediation for this group was not completed and mediation will recommence on 4 and 5 March 2025.

10 For the mediations which have been completed, the parties were able to reach agreement on a number of provisions in each group and will file consent memoranda with the Court seeking orders accordingly.

11 The agreements reached at mediation on Group 1 resolve all appeals on the MW – Mana whenua Chapter. Consent memorandum seeking orders for this group have been drafted and circulated to the parties for review. It is anticipated consent memoranda and draft orders (“**consent documents**”) for Group 1 will be filed before the next reporting date.

12 ORC will continue to progress drafting the relevant consent documents for the agreed provisions in other groups. During this process, ORC will identify provisions which require to be set down for hearing and advise the Court accordingly.

13 The following groups are yet to be mediated on the dates set out below:

13.1 Coast (Group 7), 11-14 February 2025;

- 13.2 Ecosystems and indigenous biodiversity (Group 8), 11-14 March 2025;
  - 13.3 Natural hazards (Group 9), 18-21 March 2025;
  - 13.4 Historic heritage and cultural values (Group 10), 24-25 March 2025;
  - 13.5 Natural features and landscapes (Group 11), 13-16 May 2025;  
and
  - 13.6 Urban form and development (Group 12), 20-23 May 2025.
- 14 In the event that the parties are not able to complete mediation on a group or groups within the timeframes scheduled above, the Court has set aside three “overflow” weeks in May and June.

**Proposed Direction**

- 15 ORC seek directions that:
- 15.1 within two weeks of ORC circulating consent documents for each group and/or chapters to the parties for review, the parties will:
    - 15.1.1 confirm the contents of the consent documents and sign and return the same; or
    - 15.1.2 provide any comments and/or required amendments to ORC and the parties; and
  - 15.2 the ORC will file a further progress report with the Court by 30 April 2025.



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S J Anderson / T M Sefton  
Counsel for the Otago Regional Council

5 February 2025