

BEFORE THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY

ENV-2024-CHC-39

I TE KŌTI TAIAO O AOTEAROA  
ŌTAUTAHU ROHE

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of appeals under clause 14(1) of Schedule 1 RMA in relation to the  
non-freshwater parts of the Proposed Otago Regional Policy  
Statement 2021

**BETWEEN** **ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED**

**AND** **OTHERS**

Appellants

**AND** **OTAGO REGIONAL COUNCIL**

Respondent

---

**MEMORANDUM SEEKING LEAVE FOR SUPPORTING COUNSEL TO ATTEND  
MEDIATION REMOTELY**

**14 January 2025**

---

Environmental Defence Society Inc  
John Commissaris  
[john@eds.org.nz](mailto:john@eds.org.nz)  
PO Box 91736  
Victoria St West  
AUCKLAND 1142

TO: The Commissioner  
Environment Court  
CHRISTCHURCH

1. I refer to the Commissioner's direction dated 29 October 2024 that parties need to seek leave to attend proposed Otago Regional Policy Statement (**pORPS**) mediations remotely.
2. The Environmental Defence Society (**EDS**) attended mediation on Group 3 (integrated management) in person and Group 5 (land, freshwater and soil) via AVL.
3. EDS is a party to mediation on Group 4 (energy, infrastructure and transport) which is scheduled for 28, 29, 30 and 31 January 2025. Its in-house counsel will attend this mediation in person.
4. Leave is sought for supporting counsel, Douglas Allan, to attend remotely.
5. Mr Allan has extensive experience acting for EDS on the operative Otago RPS and has been involved in pre-mediation discussions with the parties on Group 4 provisions.
6. His remote attendance is being sought to:
  - (a) Assist EDS's in-house counsel where necessary;
  - (b) Provide context to discussions where necessary.
7. It is not expected that Mr Allan will attend for the entire duration of the mediation. Rather, it is anticipated that he will be on stand-by and join only as required.
8. EDS's in-house counsel attending in person will have authority to settle.
9. On that basis, EDS respectfully requests leave for Mr Allan to attend the Group 4 mediation via AVL.

**DATED** at Auckland this 14<sup>th</sup> day of January, 2025

A handwritten signature in black ink, appearing to read 'John Commissaris', is written over a faint, light-colored rectangular stamp or watermark.

**John Commissaris**

Signed for and on behalf of the  
**ENVIRONMENTAL DEFENCE SOCIETY  
INCORPORATED** by its duly authorised  
agent

**ADDRESS FOR SERVICE:**

Environmental Defence Society  
PO Box 91736  
Victoria St West  
AUCKLAND 1142

Email: [shay@eds.org.nz](mailto:shay@eds.org.nz) / [john@eds.org.nz](mailto:john@eds.org.nz) / [dallan@ellisgould.co.nz](mailto:dallan@ellisgould.co.nz)

Phone: +64 27 946 8079