

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

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

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

<b>UNDER</b>	the Resource Management Act 1991
<b>IN THE MATTER</b>	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)
<b>BETWEEN</b>	<b>ARA POUTAMA AOTEAROA DEPARTMENT OF CORRECTIONS</b> and the other appellants on the non-freshwater planning instrument parts of the Proposed Otago Regional Policy Statement 2021 listed overleaf <div>Appellants</div>
<b>AND</b>	<b>OTAGO REGIONAL COUNCIL</b> , a regional council under Schedule 2 of the Local Government Act 2002, having its principal office at 70 Stafford Street, Dunedin <div>Respondent</div>

**MEMORANDUM OF THE OTAGO REGIONAL COUNCIL ON THE NON-FRESHWATER INSTRUMENT PARTS OF THE PROPOSED OTAGO REGIONAL POLICY STATEMENT**  
**Dated:** 7 August 2025

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Solicitor: S J Anderson / T M Sefton	

**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 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 of the Otago Regional Council (“**ORC**”) responds to the Environment Court’s questions to the parties of 31 July 2025, set out below:

*“The court would like clarification from the parties as to whether (and to what extent) any of the appeals of the named appellants (in the most recently filed consent documents) remain unresolved or whether they are now fully resolved. If some appeal points are to be addressed in later consent orders, can the parties please advise:*

- a. what those appeal points are;*
- b. to whom do they belong; and*
- c. in which consent orders are they to be resolved.”*

2 ORC has conferred with the parties.

3 The outcomes achieved at mediation for the EIT – Energy, infrastructure and transport chapter<sup>1</sup>, to which orders are sought by consent as set out in the consent memorandum dated 14 July 2025 resolve all appeals on this chapter, noting:

- 3.1 Ara Poutama Aotearoa the Department of Corrections’ appeal<sup>2</sup> on the definition of *regionally significant infrastructure* and the other

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<sup>1</sup> As well as appeal points by Transpower New Zealand Limited on the non-freshwater planning instrument parts of the Proposed Otago Regional Policy Statement 2021 provisions listed in paragraph [92] of the consent memorandum dated 14 July 2025

<sup>2</sup> ENV-2024-CHC-21

EIT provisions relating to that definition will be resolved through the consent order for LF – Land and Freshwater Chapter by way of agreed amendments to *UFD-P7 – Rural Areas*.

- 3.2 The Queenstown Lakes District Council<sup>3</sup> (“**QLDC**”) appeal on *EIT-INF-P13 – Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment* was part of its broader appeal seeking a policy management framework be reinstated for Highly Valued Natural Features and Landscapes. QLDC's relief was resolved at the NFL - Natural Features and Landscapes mediation with no amendments required to *EIT-INF-P13* in response to its appeal point.
- 3.3 The Royal Forest and Bird Protection Society of New Zealand Incorporated (“**Forest & Bird**”) and Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga and 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 (“**Kāi Tahu**”) sought the deletion of clause (13) which related to landfills and associated solid waste sorting and transfer facilities from the definition of *regionally significant infrastructure*. The parties agreed to delete clause (13) resolving the Forest & Bird and Kāi Tahu appeal points, but the parties further agreed it was appropriate that the importance of landfills and associated solid waste sorting and transfer facilities receive policy recognition in the HAZ – Hazards and risks chapter. The agreed new policy and related discussion will be included in the consent memorandum for HAZ – Hazards and risks.

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<sup>3</sup> ENV-2024-CHC-40

- 4 There are currently no appeals on the non-freshwater planning instrument parts of the Proposed Otago Regional Policy Statement 2021 that are resolved in full as a result of the consent memoranda filed to date<sup>4</sup>.



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

7 August 2025

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<sup>4</sup> MW – Mana whenua, AIR – Air, SRMR – Significant resource management issues for the region and EIT – Energy, infrastructure and transport.