

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA  
ŌTAUTAHIROHE**

**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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**SECOND 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:** 30 April 2025

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ROSS DOWLING MARQUET GRIFFIN  
SOLICITORS  
DUNEDIN

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<b>AND</b>	<b>AURORA ENERGY LIMITED, NETWORK WAITAKI LIMITED AND POWERNET LIMITED</b>
<b>AND</b>	<b>BP OIL NEW ZEALAND LIMITED, MOBIL OIL NEW ZEALAND LIMITED, AND Z ENERGY LIMITED</b>
<b>AND</b>	<b>CAIN WHĀNAU</b>
<b>AND</b>	<b>DUNEDIN CITY COUNCIL</b>
<b>AND</b>	<b>ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED</b>
<b>AND</b>	<b>MANAWA ENERGY LIMITED</b>
<b>AND</b>	<b>MERIDIAN ENERGY LIMITED</b>
<b>AND</b>	<b>OCEANA GOLD (NEW ZEALAND) LIMITED</b>
<b>AND</b>	<b>PORT OTAGO LIMITED</b>
<b>AND</b>	<b>QUEENSTOWN AIRPORT CORPORATION LIMITED</b>
<b>AND</b>	<b>RAYONIER MATARIKI FORESTS, CITY FORESTS LIMITED, ERNSLAW ONE LIMITED and PORT BLAKELY NZ LIMITED</b>
<b>AND</b>	<b>REAL GROUP LIMITED</b>
<b>AND</b>	<b>ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED</b>
<b>AND</b>	<b>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</b>
<b>AND</b>	<b>TRANSPower NEW ZEALAND LIMITED</b>

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**SECOND 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 is the seconded reporting memorandum of the Otago Regional Council (“ORC”) 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**”).

**Mediation Directions**

- 2           By Minute dated 20 September 2024, Commissioner Buchanan:
- 2.1       confirmed the schedule of mediation dates for all chapters and directed mediations be set down in accordance with that schedule; and
- 2.2       set directions for the exchange and timetabling of mediation position papers.
- 3           Mediations have continued to proceed in accordance with those directions.

**Mediation**

- 4           Mediation has occurred on several groups within the PORPS 21. The following groups have been mediated in the order set out below:
- 4.1       Significant resource management issues for the region (Group 2).
- 4.2       Integrated management (Group 3).
- 4.3       Mana whenua (Group 1).

- 4.4 Land, freshwater and soil (Group 5).
  - 4.5 Air (Group 6).
  - 4.6 Energy, infrastructure and transport (Group 4).
  - 4.7 Coast (Group 7).
  - 4.8 Ecosystems and indigenous biodiversity (Group 8).
  - 4.9 Hazards and risks (Group 9).
  - 4.10 Historic heritage and cultural values (Group 10).
- 5 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.
- 6 The Court made a Consent Order for Group 1, MW – Mana whenua on 3 April 2025.
- 7 The parties have filed a joint memorandum seeking orders by consent and draft orders for:
- 7.1 Introduction and general provisions together with Group 2, SRMR - Significant resource management issues for the region on 16 April 2025; and
  - 7.2 Group 6, AIR - Air on 17 April 2025.
- 8 Agreements at mediation have also resolved almost all appeal points on the following chapters:
- 8.1 Energy, infrastructure and transport (Group 4).
  - 8.2 Coast (Group 7).
  - 8.3 Ecosystems and indigenous biodiversity (Group 8).
  - 8.4 Hazards and risks (Group 9).
  - 8.5 Historic heritage and cultural values (Group 10).
- 9 The Transpower New Zealand Limited appeal points on CE - Coast, ECO - Ecosystems and indigenous biodiversity and HCV - Historic heritage and

cultural values (but not HAZ - Hazards and risks) were resolved by the new National Grid policy agreed in Energy, infrastructure and transport. The Transpower appeal points on those chapters remain live until the Court issues a consent order on that new policy in the EIT - Energy, infrastructure and transport chapter.

- 10 Accordingly, the ORC proposes to draft the consent documents for the EIT - Energy, infrastructure and transport and HAZ - Hazards and risks chapters next. ORC will defer filing CE - Coast, ECO - Ecosystems and indigenous biodiversity and HCV - Historic heritage and cultural values until it is known whether the Court issues a consent order for the new National Grid policy in the EIT - Energy, infrastructure and transport chapter.
- 11 Following the completion of mediation, ORC will identify provisions which require to be set down for hearing and advise the Court accordingly.
- 12 The following groups are to be mediated on the dates set out below:
  - 12.1 Natural features and landscapes (Group 11), 13-16 May 2025;  
and
  - 12.2 Urban form and development (Group 12), 20-23 May 2025.
- 13 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. Discussions on the few unresolved appeal points continue. ORC will likely propose utilisation of one or two days of that overflow time to attempt resolution of these points, if continued discussions suggest that this is worthwhile.



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

30 April 2025