

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

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

ENV-2024-CHC-36

UNDER the Resource Management Act 1991 (the **Act**)

IN THE MATTER OF an appeal pursuant to Clause 14(1) of the First Schedule of the Act

BETWEEN **TE RŪNANGA O MOERAKI, KĀTI HUIRAPA RŪNAKA KI PUKETERAKI, TE RŪNANGA O ŌTĀKOU AND HOKONUI RŪNANGA**

First Appellants

AND **TE AO MARAMA INCORPORATED ON BEHALF OF WAIHOPAI RŪNAKA, TE RŪNANGA O ŌRAKA APARIMA, AND TE RŪNANGA O AWARUA**

Second Appellants

AND **TE RŪNANGA O NGĀI TAHU**

Third Appellants

AND **OTAGO REGIONAL COUNCIL**

Respondent

**NOTICE OF ARA POUTAMA AOTEAROA DEPARTMENT OF
CORRECTIONS' WISH TO BE A PARTY TO PROCEEDINGS**

Dated: 6 June 2024

GREENWOOD ROCHE
LAWYERS
CHRISTCHURCH
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TO: The Registrar

Environment Court

Christchurch

- 1 The appellants are Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (**Kāi Tahu ki Otago** or **Kā Rūnaka**); Te Ao Marama Incorporated on behalf of Waihopai Rūnaka, Te Rūnanga o Ōraka Aparima, and Te Rūnanga o Awarua (**Ngāi Tahu ki Murihiku**); and Te Rūnanga o Ngāi Tahu (**TRONT**) (together referred to as **Kāi Tahu**).
- 2 Ara Poutama Aotearoa – Department of Corrections (**Ara Poutama** or the **Department**) wishes to be a party to the following proceeding on the basis that it has an interest in this proceeding that is greater than the interest held by the general public:
 - (a) *Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou, Hokonui Rūnanga, Te Ao Marama Incorporated, Te Rūnanga o Ōraka Aparima, Te Rūnanga o Awarua and Te Rūnanga o Ngāi Tahu v Otago Regional Council* (ENV-2024-CHC-36), an appeal in relation to the Proposed Otago Regional Policy Statement (the **PORPS**) (the **Appeal**).
- 3 Among other matters, that Appeal seeks amendments to the definition of *regionally significant infrastructure* in the PORPS.
- 4 Ara Poutama lodged a submission on the notified PORPS, seeking:
 - (a) the inclusion of the Otago Corrections Facility and community corrections activity in the PORPS definition of *regionally significant infrastructure* (**Definitions Relief**)¹; and
 - (b) the retention of provisions in the Energy, Infrastructure and Transport and Urban Form and Development sections of the notified PORPS relating to infrastructure generally and regionally significant infrastructure specifically.²

¹ Ara Poutama submission on the proposed Otago Regional Policy Statement 2021, 2 September 2021, submission point number 00102.001 addressing *TERP – Definitions: Regionally significant infrastructure*.

² Ara Poutama submission on the proposed Otago Regional Policy Statement 2021, 2 September 2021, submission point numbers 00102.003 – 00102.008 addressing *EIT* –

- 5 The Definitions Relief requested in Ara Poutama’s submission was rejected by the Otago Regional Council. Ara Poutama has appealed that decision.
- 6 As the Appeal relates to that definition of *regionally significant infrastructure*, in light of its submission and its appeal on the PORPS Ara Poutama has an interest in the Appeal beyond that of the general public.³
- 7 Ara Poutama is not a trade competitor for the purposes of section 308C or 308CA of the Act.
- 8 Ara Poutama is interested in part of the Appeal.
- 9 The particular issues Ara Poutama is interested in are:
- (a) The proposed amendments to the definition of *regionally significant infrastructure*.
 - (b) All other issues incidental to the above.
- 10 In principle, Ara Poutama does not oppose the specific relief sought under the Appeal. It does however oppose the stated reasons for that relief. In particular, it does not agree that a more narrow version of the definition of *regionally significant infrastructure* which is “more closely prescribed by reference to lifeline utilities” is the most appropriate way to achieve the objectives of the PORPS or to meet the purpose of the RMA.⁴

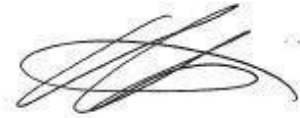
Energy, infrastructure and transport: EIT-INF-04, EIT-INF-P10, EIT-INF-P12, EIT-INF-P15, EIT-INF-P17; and UFD – Urban form and development: UFD-O2.

³ See *Purification Technologies Limited v Taupo District Council* [1995] NZRMA 197 at [7].
Mt Christina Ltd v Queenstown Lakes District Council [2018] NZEnvC 190 at [64].

⁴ Kāi Tahu notice of appeal on the proposed Otago Regional Policy Statement 2021, 15 May 2024, at [55].

11 Ara Poutama agrees to participate in mediation or other alternative dispute resolution of the Appeal.

DATED this 6th day of June 2024



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