



THE ENVIRONMENT COURT OF NEW ZEALAND

NOTICE OF MEDIATION

The parties to these proceedings in the attached schedule have been directed to attend court-assisted mediation. The prerogative for setting a date for the mediation lies solely with the Registrar and is made first and foremost in terms of the availability of an Environment Commissioner. Accordingly, this matter has been set down for mediation at the date, time and at the venue specified below:

DATE:	Tuesday, 11 March 2025 – Friday, 14 March 2025
TIME:	10:00 AM
VENUE:	Cargill Room Scenic Southern Cross Hotel 118 High Street Dunedin 9016

Note To Participants:

Participation in the mediation process is mandatory, and each party must participate in person or by a representative unless leave is granted by the Court not to attend. Any application for leave to be excused **must be made in writing** to the Registrar, giving reasons and be served upon all other participants to the proceedings.

The Court has released a Practice Note on Alternative Dispute Resolution, which may assist parties in the protocols around the Mediation Process. A copy of this Practice Note can be obtained through this Environment Court Registry.

Information on the Environment Court and the Court's Practice Notes which serve as a guide, are available at www.justice.govt.nz/courts/environment-court.

If any party has special needs (for example in relation to disability and access, deafness), they are to advise the Court in writing of this not later than 10 working days from the date of the mediation so that appropriate arrangements can be considered.

<https://www.justice.govt.nz/courts/going-to-court/pre/interpreters-language-and-disability-access/>

Should any party wish to contact the Mediator either before or after the mediation, then all contact should be through the Court's Registry.

Dated at Christchurch Environment Court Registry on 14 February 2025

Karina Kelly

Case Manager - Mediation

Direct dial phone: (03) 353 8536

E-mail address: Karina.Kelly@justice.govt.nz

ENVIRONMENT COURT

WX11113

PO Box 2069

Christchurch

Facsimile: (03) 365 1740



LIST OF PARTIES

TOPIC: pORPS: Group 8 Ecosystems and indigenous biodiversity

Provision	Appellant(s)	Interested Parties
ECO-O1 – Indigenous biodiversity	<ul style="list-style-type: none"> • Environmental Defence Society • Royal Forest and Bird Protection Society of New Zealand Inc • Cain Whānau • Forestry Appellants 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • Meridian Energy • Oceana Gold • QLDC • Director General of Conservation • Fish & Game • Forest & Bird • EDS • <u>Port Otago</u>
ECO-O2 – Restoring and enhancing	<ul style="list-style-type: none"> • Royal Forest and Bird Protection Society of New Zealand Inc • Cain Whānau • Forestry Appellants 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • Oceana Gold • QLDC • Director General of Conservation • Fish & Game • Forest & Bird • Forestry Appellants • EDS • <u>Port Otago</u> • <u>Meridian Energy</u>



ECO-O3 – Kaitiakitaka and stewardship	<ul style="list-style-type: none"> • Cain Whānau • Forestry Appellants 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • Meridian Energy • QLDC • Director General of Conservation • Fish & Game • Forest & Bird • EDS • Transpower
ECO-P1 - Kaitiakitaka	<ul style="list-style-type: none"> • Cain Whānau • Forestry Appellants • Environmental Defence Society 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • Director General of Conservation • Federated Farmers • Forest & Bird • Meridian Energy • Oceana Gold • QLDC • Fish & Game • EDS • Transpower
Provision	Appellant(s)	Interested Parties
ECO-P2 – Identifying significant natural areas and taoka	<ul style="list-style-type: none"> • Oceana Gold • Aurora Energy Limited, Network Waitaki Limited, PowerNet Limited • Cain Whānau • Environmental Defence Society • Forestry Appellants 	<ul style="list-style-type: none"> • Director General of Conservation • DCC • Fish & Game • Forest & Bird • Kāi Tahu • Meridian Energy • Oceana Gold • QLDC • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • Federated Farmers • Forestry Appellants • OWRUG • EDS • Transpower • <u>Port Otago</u>



<p>ECO-P3 – Protecting significant natural areas and taoka</p>	<ul style="list-style-type: none"> • Oceana Gold • Aurora Energy Limited, Network Waitaki Limited, PowerNet Limited • Cain Whānau • Royal Forest and Bird Protection Society of New Zealand Inc • Forestry Appellants 	<ul style="list-style-type: none"> • Director General of Conservation • DCC • Fish & Game • Forest & Bird • Kāi Tahu • Meridian Energy • Oceana Gold • QLDC • Transpower • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • Forestry Appellants • OWRUG • • NZTA • EDS • <u>Port Otago</u>
Provision	Appellant(s)	Interested Parties
<p>ECO-P4 – Provision for new activities</p>	<ul style="list-style-type: none"> • Oceana Gold • Aurora Energy Limited, Network Waitaki Limited, PowerNet Limited • Cain Whānau • Transpower • Royal Forest and Bird Protection Society of New Zealand Inc • Meridian Energy • Manawa Energy • Forestry Appellants 	<ul style="list-style-type: none"> • Director General of Conservation • DCC • Fish & Game • Forest & Bird • Kāi Tahu • Meridian Energy • Oceana Gold • QLDC • EDS • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • Forestry Appellants • OWRUG • • NZTA • Director General of Conservation • EDS • Transpower • <u>Port Otago</u>



<p>ECO-P5 – Existing activities in significant natural areas [Deleted in Decision Version]</p>	<ul style="list-style-type: none"> • Oceana Gold • Aurora Energy Limited, Network Waitaki Limited, PowerNet Limited • Cain Whānau • Transpower • Forestry Appellants 	<ul style="list-style-type: none"> • Director General of Conservation • DCC • Fish & Game • Forest & Bird • Forestry Appellants • Kāi Tahu • Meridian Energy • Oceana Gold • QLDC • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • OWRUG • EDS
<p>ECO-P5A – Managing adverse effects of established activities on significant natural areas</p>	<ul style="list-style-type: none"> • Royal Forest and Bird Protection Society of New Zealand Inc • Manawa Energy • Cain Whānau • Forestry Appellants 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • Oceana Gold • QLDC • Meridian Energy • Director General of Conservation • Fish & Game • Forest & Bird • Forestry Appellants • NZTA • EDS • <u>Port Otago</u>
<p>Provision</p>	<p>Appellant(s)</p>	<p>Interested Parties</p>



<p>ECO-P6 – Maintaining indigenous biodiversity</p>	<ul style="list-style-type: none"> • Oceana Gold • Aurora Energy Limited, Network Waitaki Limited, PowerNet Limited • Cain Whānau • Transpower • Royal Forest and Bird Protection Society of New Zealand Inc • Meridian Energy • Manawa Energy • Forestry Appellants 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • Director General of Conservation • DCC • Fish & Game • Forest & Bird • Kāi Tahu • Meridian Energy • Oceana Gold • QLDC • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • Forestry Appellants • OWRUG • NZTA • Director General of Conservation • EDS • <u>Port Otago</u>
<p>ECO-P7 – Coastal Indigenous biodiversity</p>	<ul style="list-style-type: none"> • Cain Whānau • Forestry Appellants 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • QLDC • Director General of Conservation • Fish & Game • Forest & Bird • EDS



Provision	Appellant(s)	Interested Parties
ECO-P8 – Restoration and enhancement	<ul style="list-style-type: none"> • Cain Whānau • Royal Forest and Bird Protection Society of New Zealand Inc • Forestry Appellants 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • Oceana Gold • QLDC • Director General of Conservation • Federated Farmers • Fish & Game • Forest & Bird • Forestry Appellants • EDS • <u>Port Otago</u> • <u>Meridian Energy</u>
ECO-P9 – Wilding conifers [deleted in Decisions version]	<ul style="list-style-type: none"> • Cain Whānau • Forestry Appellants 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • QLDC • Director General of Conservation • Fish & Game • Forest & Bird • EDS
ECO-P10 – Integrated approach	<ul style="list-style-type: none"> • Cain Whānau • Environmental Defence Society • Royal Forest and Bird Protection Society of New Zealand Inc • Forestry Appellants 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • Director General of Conservation • Federated Farmers • Forestry Appellants • Oceana Gold • QLDC • Beef + Lamb • Fish & Game • Forest & Bird • Meridian Energy • EDS • <u>Port Otago</u>



Provision	Appellant(s)	Interested Parties
ECO-P11 – Resilience to climate change	<ul style="list-style-type: none"> • Cain Whānau • Environmental Defence Society • Royal Forest and Bird Protection Society of New Zealand Inc • Forestry Appellants 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • Meridian Energy • Director General of Conservation • Federated Farmers • QLDC • Fish & Game • Forest & Bird • EDS • <u>Port Otago</u>
ECO-P12 – Plantation forestry activities	<ul style="list-style-type: none"> • Cain Whānau • Forestry Appellants 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • Meridian Energy • QLDC • Director General of Conservation • Fish & Game • Forest & Bird • EDS
ECO-PXX - Managing indigenous biodiversity on Native reserves and Māori land [New Policy sought]	<ul style="list-style-type: none"> • Cain Whānau • Forestry Appellants 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • Oceana Gold • QLDC • Director General of Conservation • Fish & Game • Forest & Bird • EDS
ECO-M1 – Statement of responsibilities	<ul style="list-style-type: none"> • Cain Whānau • Forestry Appellants 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • Meridian Energy • QLDC • Director General of Conservation • Fish & Game • Forest & Bird • EDS



Provision	Appellant(s)	Interested Parties
ECO-M2 – Identification of significant natural areas	<ul style="list-style-type: none"> • Environmental Defence Society • Royal Forest and Bird Protection Society of New Zealand Inc • Forestry Appellants • Cain Whānau 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • Oceana Gold • Federated Farmers • Director General of Conservation Forest & Bird • Forestry Appellants • • QLDC • Fish & Game • EDS • <u>Port Otago</u> • <u>Meridian Energy</u>
ECO-M3 – Identification of taoka	<ul style="list-style-type: none"> • Cain Whānau 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • Kāi Tahu • QLDC • Transpower
ECO-M4 – Regional plans	<ul style="list-style-type: none"> • Oceana Gold • Royal Forest and Bird Protection Society of New Zealand Inc • Cain Whānau • Forestry Appellants 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • QLDC • Director General of Conservation • Federated Farmers • Fish & Game • Forest & Bird • Forestry Appellants • • NZTA • Oceana Gold • Transpower • EDS • <u>Port Otago</u> • <u>Meridian Energy</u>

Provision	Appellant(s)	Interested Parties
ECO-M4A – Increasing indigenous vegetation cover	Cain Whānau	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • QLDC • Transpower



ECO-M4B - Specified highly mobile fauna	<ul style="list-style-type: none"> • Cain Whānau 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • QLDC
ECO-M4C - Maintenance of improved pasture for farming	<ul style="list-style-type: none"> • Cain Whānau 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • QLDC
ECO-M4D - Native reserves and Māori land	<ul style="list-style-type: none"> • Cain Whānau 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • QLDC • Transpower
ECO-M5 – District plans	<ul style="list-style-type: none"> • Environmental Defence Society • Royal Forest and Bird Protection Society of New Zealand Inc • Forestry Appellants • Cain Whānau 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • Director General of Conservation • Forest & Bird • Forestry Appellants • QLDC • Federated Farmers • Fish & Game • NZTA • Oceana Gold • Transpower • Meridian Energy • EDS • <u>Port Otago</u>
ECO-M6 - Engagement	<ul style="list-style-type: none"> • Cain Whānau 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • QLDC



Provision	Appellant(s)	Interested Parties
ECO-M7A - Kāi Tahu kaitiakitaka	<ul style="list-style-type: none"> Cain Whānau 	<ul style="list-style-type: none"> Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited DCC Kāi Tahu QLDC Transpower
ECO-M7B – Information requirements	<ul style="list-style-type: none"> Cain Whānau 	<ul style="list-style-type: none"> Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited DCC Kāi Tahu QLDC <u>Meridian Energy</u>
ECO-M7 – Monitoring	<ul style="list-style-type: none"> Environmental Defence Society Cain Whānau 	<ul style="list-style-type: none"> Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited DCC Federated Farmers Kāi Tahu Director General of Conservation Forest & Bird QLDC Meridian Energy <u>Port Otago</u>
ECO-M8 – Other incentives and mechanisms	<ul style="list-style-type: none"> Cain Whānau 	<ul style="list-style-type: none"> Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited DCC Kāi Tahu QLDC
ECO-M9 – Regional Biodiversity Strategy	<ul style="list-style-type: none"> Cain Whānau 	<ul style="list-style-type: none"> Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited DCC Kāi Tahu Meridian Energy QLDC
ECO-E1 – Explanation	<ul style="list-style-type: none"> Royal Forest and Bird Protection Society of New Zealand Inc Cain Whānau 	<ul style="list-style-type: none"> Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited DCC Kāi Tahu



Provision	Appellant(s)	Interested Parties
		<ul style="list-style-type: none"> • QLDC • Forestry Appellants • <u>Port Otago</u>
ECO-PR1 – Principal reasons	<ul style="list-style-type: none"> • Cain Whānau 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • QLDC • Forestry Appellants • Transpower
ECO-AER1	<ul style="list-style-type: none"> • Cain Whānau 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • QLDC
ECO-AER2	<ul style="list-style-type: none"> • Cain Whānau 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • QLDC
ECO-AER3	<ul style="list-style-type: none"> • Cain Whānau 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • QLDC
ECO-AER4 [deleted in Decisions version]	<ul style="list-style-type: none"> • Environmental Defence Society • Cain Whānau 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • Director General of Conservation • Federated Farmers • Forest & Bird • Forestry Appellants • QLDC • Meridian Energy • <u>Port Otago</u>



Interpretation

Provision	Appellant(s)	Interested Parties
Effects management hierarchy (in relation to indigenous biodiversity)	<ul style="list-style-type: none"> • Transpower • Meridian Energy 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • Director General of Conservation • Fish & Game • Forest & Bird • Forestry Appellants • Manawa Energy • Oceana Gold • EDS
Environmental compensation [new definition sought]	<ul style="list-style-type: none"> • Oceana Gold 	<ul style="list-style-type: none"> • Director General of Conservation • Fish & Game • Forest & Bird • Forestry Appellants • Meridian • OWRUG • EDS
Significant natural area	<ul style="list-style-type: none"> • Environmental Defence Society • Royal Forest and Bird Protection Society of New 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • Federated Farmers • Forest & Bird • Forestry Appellants • Oceana Gold • OWRUG • QLDC • Meridian Energy

Appendices and Maps

Provision	Appellant(s)	Interested Parties
APP2 - Criteria for Identifying areas that qualify as indigenous natural areas (SNAs)	<ul style="list-style-type: none"> • NZTA • Oceana Gold • Cain Whānau 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • QLDC • Director General of Conservation • Fish & Game



		<ul style="list-style-type: none"> • Forest & Bird • Forestry Appellants • Meridian Energy • OWRUG • Oceana Gold • EDS • Transpower
APP3 - Principles for biodiversity offsetting	<ul style="list-style-type: none"> • NZTA • Oceana Gold • Forestry Appellants • Cain Whānau 	<ul style="list-style-type: none"> • DCC • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • Kāi Tahu • QLDC • Fish & Game • Forest & Bird • Director General of Conservation • Forestry Appellants • Meridian Energy • OWRUG • Oceana Gold • EDS • Transpower
APP4 - Principles for biodiversity compensation	<ul style="list-style-type: none"> • NZTA • Oceana Gold • Forestry Appellants • Cain Whānau 	<ul style="list-style-type: none"> • Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited • DCC • Kāi Tahu • QLDC • Fish & Game • Forest & Bird • Director General of Conservation • Forestry Appellants • Meridian Energy • OWRUG • Oceana Gold • EDS • Transpower
APP5 - Species prone to wilding conifer spread	<ul style="list-style-type: none"> • Forestry Appellants 	<ul style="list-style-type: none"> • DCC • Fish & Game • Forest & Bird • EDS



SCHEDULE OF PROCEEDINGS

- 1. Topic:** **pORPS: Group 8 Ecosystems and indigenous biodiversity**
Topic Number: **ENV-2025-309-000002**
- i. Meridian Energy Limited v Otago Regional Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2024-CHC-000022
 - ii. Auroroa Energy Limited & others v Otago Regional Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2024-CHC-000024
 - iii. Royal Forest and Bird Protection Society of New Zealand Incorporated v Otago Regional Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2024-CHC-000026
 - iv. City Forests Limited v Otago Regional Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2024-CHC-000027
 - v. Oceana Gold New Zealand Limited v Otago Regional Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2024-CHC-000029
 - vi. Cain Whanau v Otago Regional Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2024-CHC-000030
 - vii. Manawa Energy Limited v Otago Regional Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2024-CHC-000032
 - viii. Transpower New Zealand Limited v Otago Regional Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2024-CHC-000035
 - ix. New Zealand Transport Agency - Waka Kotahi v Otago Regional Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991
Court Reference: ENV-2024-CHC-000038
- Environmental Defence Society Incorporated v Otago Regional Council
Appeal By Submitter On Proposed Policy Statement Or Plan pursuant to Clause 14 of the First Schedule of the Resource Management Act 1991