

**IN THE HIGH COURT OF NEW ZEALAND  
DUNEDIN REGISTRY**

**I TE KŌTI MATUA O AOTEAROA  
ŌTEPOTI ROHE**

**CIV-2024-412-41**

BETWEEN OCEANA GOLD (NEW ZEALAND)  
LIMITED  
Appellant

AND OTAGO REGIONAL COUNCIL  
Respondent

Hearing: On the papers

Counsel: P Walker and S Christensen for Oceana Gold (New Zealand)  
Limited (Appellant)  
S J Anderson and T M Sefton for Otago Regional Council  
(Respondent)  
Interested Parties:  
P Anderson and M Downing for Royal Forest and Bird Protection  
Society of New Zealand Incorporated  
J Campbell and B Watts for Queenstown Lakes District Council  
L Burkhardt for Manawa Energy Limited  
C Thomsen and K Simonsen for Beef & Lamb New Zealand  
Limited  
P Page and B Irving for Otago Water Resource Users Group  
H Jopp for Federated Farmers of New Zealand Incorporated  
M Baker-Galloway and L McLaughlan for NZSki Limited and  
Real Group Limited

Date of Minute: 25 October 2024

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**MINUTE OF HARLAND J**

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[1] Counsel for the appellant, Oceana Gold, have asked for clarification of a matter contained in my minute of 7 October 2024 which may not have been clearly expressed. I am grateful to counsel for raising this issue.

[2] The Oceana Gold appeal is proceeding to a hearing. In my minute of 7 October 2024, I outlined the following:

[7] A remaining issue concerns the Oceana Gold appeal. Kāi Tahu is not currently an interested party in the unresolved appeal point in Oceana Gold's appeal. However, the parties have become aware that Kāi Tahu may wish to apply to the Court out of time to become a party to the appeal. The joint memorandum indicates that the parties to the Oceana Gold appeal would not object to such an application. However, directions are requested to provide a timeframe for Kāi Tahu's position to be clarified. Such a request is reasonable and the directions sought are also reasonable.

[3] Unfortunately, the directions I made at [9] of that minute did not specify the directions that had been requested. The direction sought was that, if Kāi Tahu wishes to apply to the Court out of time to become a party to the appeal, it should do so by 31 October 2024.

[4] The legal representatives for Kāi Tahu have been involved in these appeals by virtue of one of the appeals being brought by them (CIV-2024-412-38) and by virtue of their involvement as an interested party in some of the other appeals. Their legal representative was also a signatory to the joint memorandum of counsel for the first case management conference dated 27 September 2024. Accordingly, my omission to include a specific direction may be a matter of no moment.

[5] Nonetheless and to be clear, I make the following directions:

- (a) Should Kāi Tahu wish to apply to the Court out of time to become a party to this appeal, it must file and serve an application to become a party no later than **5.00 on 31 October 2024**; and
- (b) If, because of my omission to include this direction in my minute of 7 October 2024, Kāi Tahu considers it is now prejudiced by that timeframe, counsel for Kāi Tahu is directed to file and serve a further memorandum suggesting an alternative timeframe for consideration by the parties and the Court.

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**Harland J**

Counsel:

Ross Dowling Marquet Griffin, for Otago Regional Council  
Meredith Connell, for Queenstown Lakes District Council  
Fletcher Vautier Moore for Beef & Lamb NZ Ltd  
Galloway Cook Allan, Dunedin for Otago Water Resource User Group Inc  
L Burkhardt, Barrister for Manawa Energy Ltd  
Anderson Lloyd, Queenstown for NZSki Ltd and Real Group Ltd.  
Royal Forest & Bird Protection Society Inc  
Federated Farmer of NZ Inc,