

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991

AND of appeals under clause 14(1) of the
First Schedule of the Act

BETWEEN ARA POUTAMA AOTEAROA
DEPARTMENT OF
CORRECTIONS

(ENV-2024-CHC-21)

(and other appellants as listed in
Appendix 1 attached to this
Minute)

Appellants

AND OTAGO REGIONAL COUNCIL

Respondent

**MINUTE OF THE ENVIRONMENT COURT
CASE MANAGEMENT
(20 May 2024)**

Introduction

[1] This Minute relates to nineteen appeals under clause 14(1) of the First Schedule of the Resource Management Act 1991 in relation to the non-freshwater planning instrument parts of the proposed Otago Regional Policy Statement 2021 (pORPS21).



[2] Counsel for the Otago Regional Council (ORC) has filed a memorandum dated 17 May 2024 seeking directions be made in relation to the service of appeal documentation, the filing and service of s274 notices, and the filing of an initial case management memorandum. ORC have advised that a copy of this memorandum will be served on all submitters who have provided an address for service.

[3] The court has also received memoranda from counsel for Port Otago Limited and Dunedin City Council, both seeking similar directions in relation to the service of appeal documents which are agreed to by the respondent.

[4] I consider the directions sought by the respondent as generally appropriate. However, I am concerned that the uploading of appeal documents to a webpage alone will not be sufficient to ensure all submitters, whether or not they provided an address for service, are notified of these proceedings. Therefore, the court will make directions for the respondent to give public notice of the existence of the appeals website, where appeals on the pORPS21 will be available for viewing by interested persons, including those who may wish to join an appeal as a s274 party.

Directions

Appeals Webpage

[5] Accordingly, I make the following Appeals Webpage **directions**:

- (a) the ORC must maintain an appeals website to which all appeal documents will be uploaded (“the Appeals Website”); and
- (b) the ORC must update the Appeals Website, preferably daily, but otherwise within three working days of any s274 notice, or other appeal document being served upon it.

Notices of appeal and service

- [6] The following notices of appeal and service **directions** are made:
- (a) all notices of appeal and supporting documents must be uploaded to the Appeals Website;
 - (b) the requirement for parties to serve a copy of each notice of appeal (including the 'advice to recipients' and any attachments) on submitters who did not provide an address for service is waived;
 - (c) the ORC must give public notice of the existence of the appeals including the address of the Appeals Website. That notice must also repeat the advice to recipients contained in the letter of service undertaken in paragraph [6](b) above; and
 - (d) the appellants must file a single hard copy of their notice of appeal and supporting documents with the court.

Section 274 notices

- [7] The following s274 notice **directions** are made:
- (a) section 274 notices must be lodged with the court electronically by email to liam.davies@justice.govt.nz;
 - (b) section 274 notices must be served on the ORC by email to hearingsadministrator@orc.govt.nz and on the appellant by email to the address for service provided in the notice of appeal;
 - (c) the requirement to lodge a signed original and one hard copy of any s274 notice with the court is waived; and
 - (d) service of each s274 notice on all other parties will be deemed to be effected by the ORC uploading the s274 notice onto the Appeals Website;

Initial Case Management memorandum

[8] I direct further:

- (a) on or before **Friday 12 July 2024** the ORC is to lodge with the court and serve on all parties a case management memorandum which must:
 - (i) identify any preliminary issues;
 - (ii) identify the topics appealed and which appeals relate to each topic;
 - (iii) advise whether, in the ORC's opinion, it is appropriate to hear certain appeals separately or group appeals together by topics for mediation and/or hearings;
 - (iv) report on the information uploaded to the Appeals Website;
 - (v) advise whether any particular sequencing of appeals (or groups of appeals) is considered appropriate; and
 - (vi) advise whether mediation could usefully be addressed by topics and, if so, propose some potential dates for mediation on each topic.

Notice of directions to ORC

[9] I also direct that ORC:

- (a) must upload a copy of these directions to the Appeals Website; and
- (b) serve a copy of these directions on all submitters who have provided and address for service.



P A Steven
Environment Judge

Issued: 20 May 2024



APPENDIX 1**List of appellants**

(ENV-2024-CHC-22)	Meridian Energy Limited
(ENV-2024-CHC-23)	Real Group Limited
(ENV-2024-CHC-24)	Aurora Energy Limited
	Network Waitaki Limited
	Powernet Limited
(ENV-2024-CHC-25)	Dunedin City Council
(ENV-2024-CHC-26)	Royal Forest and Bird Protection Society of New Zealand Incorporated
(ENV-2024-CHC-27)	Rayonier Matariki Forests
	City Forests Limited
	Ernslaw One Limited
	Port Blakely NZ Limited
(ENV-2024-CHC-28)	BP Oil New Zealand Limited
	Mobil Oil New Zealand Limited
	Z Energy Limited
(ENV-2024-CHC-29)	Oceana Gold New Zealand Limited
(ENV-2024-CHC-30)	Cain Whānau
(ENV-2024-CHC-31)	Glenpanel Limited Partnership
(ENV-2024-CHC-32)	Manawa Energy Limited
(ENV-2024-CHC-33)	Port Otago Limited
(ENV-2024-CHC-35)	Transpower New Zealand Limited
(ENV-2024-CHC-36)	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

Te Rūnanga o Ngāi Tahu

(ENV-2024-CHC-37)

Queenstown Lakes District Council

(ENV-2024-CHC-38)

New Zealand Transport Agency Waka
Kotahi

(ENV-2024-CHC-39)

Environmental Defence Society
Incorporated

(ENV-2024-CHC-40)

Queenstown Airport Corporation
Limited

