

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

Decision No. [2024] NZEnvC 146

IN THE MATTER

of the Resource Management Act 1991

AND

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

BETWEEN

AURORA ENERGY LIMITED

... continued in Appendix 1

(ENV-2024-CHC-24)

Appellant

AND

OTAGO REGIONAL COUNCIL

Respondent

Court: Environment Judge P A Steven

Hearing: On the papers

Last case event: 18 June 2024

Date of Decision: 26 June 2024

Date of Issue: 26 June 2024

DECISION OF THE ENVIRONMENT COURT

A: The application for waiver is granted.

REASONS

[1] Dunedin City Council ('DCC') has applied for a waiver of time for the filing

DCC WAIVER DECISION



of its s274 notices on the following appeals:

- (a) Aurora Energy Limited;
- (b) City Forests Limited & Ors;
- (c) Royal Forest and Bird Protection Society of New Zealand Incorporated;
- (d) Cain Whānau;
- (e) Glenpanel Limited Partnership;
- (f) Port Otago Limited;
- (g) Kai Tahu; and
- (h) Queenstown Lakes District Council.

[2] The appeals are in relation to the non-freshwater planning instrument parts of the proposed Otago Regional Policy Statement 2021.

[3] DCC filed s274 notices for Aurora Energy and City Forests on 7 June 2024. DCC then filed s274 notices for the remaining six appeals on 14 June 2024.

[4] DCC advised that not all notices were filed within the statutory timeframe of 15 days.¹

[5] DCC seeks a waiver on the following grounds:²

The late filing of these section 274 notices will not delay the case management of these appeals as case management is not due to be progressed until 12 July 2024; and

The Respondent has advised that they have no concerns with the delayed filing of these section 274 notices.

¹ Section 274(2).

² DCC memorandum 18 June 2024 at [5(a)-(b)].

Statutory Framework

[6] Section 281(1) RMA allows a person to apply to the court to:

- (a) waive a requirement of this Act or another Act or a regulation about—
 - ...
 - (ia) the time within which a person must give notice under section 274 that the person wishes to be a party to the proceedings; or
 - ...

[7] Section 281(3) requires the court to be satisfied that:

- (a) the appellant or applicant and the respondent consent to the waiver; or
- (b) any of those parties who have not so consented will not be unduly prejudiced.

[8] Section 281(2) states that the court shall not grant an application under s281 unless it is satisfied that there is no undue prejudice to any party to the proceeding.

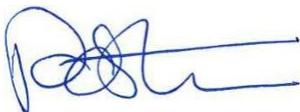
Consideration

[9] I agree with DCC that the filing of the notices will not delay matters as appeals are not set to be progressed until 12 July 2024. I also note that the respondent does not oppose the late filing of the notices.

[10] I am satisfied that there is no undue prejudice to any party to the proceedings in allowing the late filing of the notices.

Directions and waivers

[11] In accordance with s 281(1)(a)(ia) the application for waiver is granted.



P A Steven
Environment Judge



Appendix 1

ENV-2024-CHC-26	Royal Forest and Bird Protection Society of New Zealand Incorporated v Otago Regional Council
ENV-2024-CHC-27	City Forests Limited & Ors v Otago Regional Council
ENV-2024-CHC-30	Cain Whānau v Otago Regional Council
ENV-2024-CHC-31	Glenpanel Limited Partnership v Otago Regional Council
ENV-2024-CHC-33	Port Otago Limited v Otago Regional Council
ENV-2024-CHC-36	Kai Tahu v Otago Regional Council
ENV-2024-CHC-37	Queenstown Lakes District Council v Otago Regional Council

