

I TE KŌTI O AOTEAROA
ŌTAUTAHI ROHE

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under clause 14(1) of Schedule 1 RMA in relation to the non-freshwater parts of the Proposed Otago Regional Policy Statement 2021

BETWEEN **MERIDIAN ENERGY LIMITED**

AND **AURORA ENERGY LIMITED, NETWORK WAITAKI LIMITED AND POWERNET LIMITED**

AND **RAYONIER MATARIKI FORESTS, CITY FORESTS LIMITED, ERNSLAW ONE LIMITED AND PORT BLAKELY NZ LIMITED**

AND **OCEANA GOLD NEW ZEALAND LIMITED**

AND **MANAWA ENERGY LIMITED**

AND **TRANSPower NEW ZEALAND LIMITED**

Appellants

AND **OTAGO REGIONAL COUNCIL**

Respondent

**APPLICATION FOR WAIVER OF TIME FOR SERVICE OF S274
INTEREST BY ENVIRONMENTAL DEFENCE SOCIETY
INCORPORATED**

9 July 2024

TO: The Registrar
Environment Court
CHRISTCHURCH

1. On 15 May 2024, the Environmental Defence Society Incorporated (**EDS**) filed an appeal in relation to the non-freshwater parts of the Proposed Otago Regional Policy Statement 2021 (**pORPS**) (ENV-2024-CHC-39).
2. 19 other parties also filed appeals on the pORPS.
3. The deadline for filing section 274 notices varies for each of the appeals, being either 5 June or 6 June 2024.
4. On 5 June 2024, EDS filed six section 274 notices to join the following appeals on the pORPS:
 - (a) Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited
 - (b) Rayonier Matariki Forests, City Forests Limited, Ernslaw One Limited and Port Blakely NZ Limited
 - (c) Manawa Energy Limited
 - (d) Meridian Energy Limited
 - (e) Oceana Gold New Zealand Limited
 - (f) Transpower New Zealand Limited
5. Service to the parties was required by 12 June. EDS served its section 274 notices on the abovementioned named Appellants on the same day that it filed its notices, being 5 June 2024.
6. On 8 July 2024, EDS became aware that it had mistakenly not served its section 274 notices on the Respondent. This mistake was uncovered whilst reviewing a draft of the Respondent's first case management memorandum, which is due to be filed by 12 July 2024.
7. Upon discovery of its mistake, EDS immediately served its section 274 notices on the Respondent, but this was 22 working days late.

8. EDS therefore respectfully seeks a waiver of the time for service of its section 274 notices on the Respondent on the following grounds:
- (a) EDS has liaised with counsel for the Respondent about the late service and the Respondent has no issues with this waiver application;
 - (b) The late service will not delay the case management of the appeals as the Respondent's first case management memorandum is not due to be filed with the Court until 12 July 2024; and
 - (c) Given the early stage of the appeals, no party will be unduly prejudiced by the late service.
9. EDS apologises for the inconvenience caused by its error.

DATED at Auckland this 9th day of July 2024



John Commissaris

Signed for and on behalf of the
**ENVIRONMENTAL DEFENCE
SOCIETY INCORPORATED** by its duly
authorised agent

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