

IN THE ENVIRONMENT COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY

ENV-2024-CHC-

I TE KŌTI TAIAO O AOTEAROA  
ŌTAUTAHI ROHE

UNDER

cl 14 of Schedule 1 to the  
Resource Management Act 1991  
("RMA")

IN THE MATTER OF

an appeal against decisions on the  
non-freshwater planning  
instrument related parts of the  
Proposed Otago Regional Policy  
Statement 2021

BETWEEN

**OCEANA GOLD (NEW  
ZEALAND) LIMITED**

Appellant

AND

**OTAGO REGIONAL COUNCIL**

Respondent

AND

**TE RŪNANGA O MOERAKI, KĀTI  
HUIRAPA RŪNAKA KI  
PUKETERAKI, TE RŪNANGA O  
ŌTĀKOU AND HOKONUI  
RŪNANGA**

(continued overleaf)

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**NOTICE OF WISH ON BEHALF OF KĀI TAHU TO BE A PARTY TO  
PROCEEDINGS**

Dated 6 June 2024

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**Solicitor instructing:**

Chris Ford



Te Rūnanga o **NGĀI TAHU**

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**Counsel acting:**

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**AND**

**TE AO MARAMA  
INCORPORATED ON BEHALF  
OF WAIHOPAI RŪNAKA, TE  
RŪNANGA O ŌRAKA APARIMA,  
AND TE RŪNANGA O AWARUA**

**AND**

**TE RŪNANGA O NGĀI TAHU**

Section 274 Parties

**NOTICE OF WISH ON BEHALF OF KĀI TAHU TO BE A PARTY TO  
PROCEEDINGS**

**To:** the Registrar  
Environment Court  
Auckland, Wellington and Christchurch

**This document notifies you that** the following parties, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively, “**Kāi Tahu ki Otago**” or “**Kā Rūnaka**”); Te Ao Marama Incorporated on behalf of Waihopai Rūnaka, Te Rūnanga o Ōraka Aparima, and Te Rūnanga o Awarua (collectively, “**Ngāi Tahu ki Murihiku**”); and Te Rūnanga o Ngāi Tahu (“**TRONT**”); together referred to as “**Kāi Tahu**”, wish to be parties to the following proceedings:

- ENV-2024-CHC- Oceana Gold (New Zealand) Limited (“**the Appellant**”) v Otago Regional Council (“**the Respondent**”).
1. The Kāi Tahu rūnaka represent the relevant hapū that exercise rakatirataka and kāitiakitaka within their respective takiwā, which includes the Otago Region. Accordingly, Kāi Tahu have a unique and abiding interest in the sustainable management of te taiao – the environment – within the Otago region.
  2. In that respect, the rūnaka have an interest in the proceedings greater than the general public.
  3. Kāi Tahu also made submissions about the subject matter of the proceedings.
  4. Kāi Tahu are not a trade competitor for the purposes of s308C of the Resource Management Act (“**RMA**”).
  5. Kāi Tahu are particularly interested in the following issues:
    - (a) the proposal for inclusion of specific provisions for primary production and/or mining, including a new definition of mining, new objective and policies in the LF-LS and/or UFD chapters, and narrowing of the scope of LF-LS-O12;

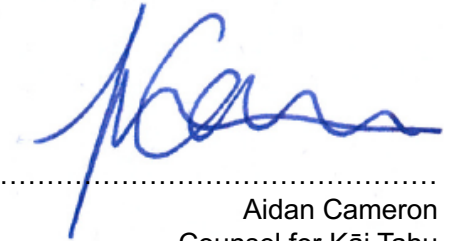
- (b) the request for unspecified amendments to align with any changes made as a result of the Appellant's High Court appeal on the freshwater planning instrument part of the PORPS, including amendments to LF-FW-O10;
- (c) the request to narrow the scope of provision to manage land use change to achieve freshwater outcomes (in LF-LS-M12(1)(a)) to apply only to plantation forestry activities;
- (d) relief sought for ECO-P2 to ECO-P6, including:
  - (i) unspecified amendments to give effect to any future changes to the National Policy Statement for Indigenous Biodiversity 2023 ("**NPSIB**");
  - (ii) the deletion of taoka species or ecosystems from ECO-P4; and
  - (iii) the proposed addition of a new ECO-O4.

6. Kāi Tahu oppose the relief sought by the Appellant for the following reasons:

- (a) it will not promote the sustainable management of natural and physical resources, and will not achieve the purpose of the RMA, in that it:
  - (i) fails to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
  - (ii) does not safeguard the life-supporting capacity of air, water, soil, and ecosystems; and
  - (iii) fails to appropriately avoid, remedy, or mitigate adverse effects of activities on the environment;
- (b) it is contrary to Part 2 of the RMA, including sections 6(e), 7 and 8;

- (c) it is inconsistent with the direction in national instruments, including the National Policy Statement for Freshwater Management 2020 (“**NPSFM**”) and the NPSIB;
  - (d) it does not address the relevant provisions in the Kāi Tahu ki Otago Natural Resource Management Plan 2005 and Te Tangi a Tauria 2008; and
  - (e) it is not the most appropriate way to achieve the objectives of the PORPS and the purpose of the RMA, as required by section 32 of the RMA.
7. Kāi Tahu agree to participate in mediation or other alternative dispute resolution of the proceedings.

**KĀI TAHU** by its duly authorised agents:



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Aidan Cameron  
Counsel for Kāi Tahu

**Date:** 6 June 2024

**Address for service:**

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**To:** the Registrar of the Environment Court at Christchurch

**And to:** the Appellant

**And to:** the Respondent

**Advice**

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.