

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-2024-CHC-26

UNDER

the Resource Management Act 1991
(the **Act**)

IN THE MATTER OF

an appeal pursuant to Clause 14(1) of
the First Schedule of the Act

BETWEEN

**ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED**

Appellant

AND

OTAGO REGIONAL COUNCIL

Respondent

**NOTICE OF ARA POUTAMA AOTEAROA DEPARTMENT OF
CORRECTIONS' WISH TO BE A PARTY TO PROCEEDINGS**

Dated: 6 June 2024

GREENWOOD ROCHE
LAWYERS
CHRISTCHURCH
Solicitor: F Lupis/R Murdoch
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TO: The Registrar
Environment Court
Christchurch

- 1 Ara Poutama Aotearoa – Department of Corrections (**Ara Poutama** or the **Department**) wishes to be a party to the following proceeding on the basis that it has an interest in this proceeding that is greater than the interest held by the general public:
 - (a) *Royal Forest and Bird Protection Society of New Zealand Incorporated v Otago Regional Council* (ENV-2024-CHC-26), an appeal in relation to the Proposed Otago Regional Policy Statement (the **PORPS**) (the **Appeal**).
- 2 That Appeal seeks amendments to the definition of *regionally significant infrastructure*, and to the Energy, Infrastructure and Transport (**EIT**) section of the PORPS which relates to regionally and nationally significant infrastructure.
- 3 Ara Poutama lodged a submission on the notified PORPS, seeking:
 - (a) the inclusion of the Otago Corrections Facility and community corrections activity in the PORPS definition of *regionally significant infrastructure* (**Definitions Relief**)¹; and
 - (b) the retention of provisions in the EIT and Urban Form and Development sections of the notified PORPS relating to infrastructure generally and regionally significant infrastructure specifically.²

¹ Ara Poutama submission on the proposed Otago Regional Policy Statement 2021, 2 September 2021, submission point number 00102.001 addressing *TERP – Definitions: Regionally significant infrastructure*.

² Ara Poutama submission on the proposed Otago Regional Policy Statement 2021, 2 September 2021, submission point numbers 00102.003 – 00102.008 addressing *EIT – Energy, infrastructure and transport: EIT-INF-04, EIT-INF-P10, EIT-INF-P12, EIT-INF-P15, EIT-INF-P17; and UFD – Urban form and development: UFD-O2*.

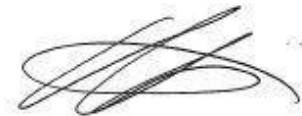
- 4 The Definitions Relief requested in Ara Poutama’s submission was rejected by the Otago Regional Council. Ara Poutama has appealed that decision.
- 5 For its part, the Appeal addresses the definition of *regionally significant* infrastructure and the way in which infrastructure (and *regionally significant infrastructure* in particular) is provided for under the PORPS. In that regard (and in light of its submission and subsequent appeal on the PORPs), Ara Poutama has an interest in the Appeal beyond that of the general public.³
- 6 Ara Poutama is not a trade competitor for the purposes of section 308C or 308CA of the Act.
- 7 Ara Poutama is interested in part of the Appeal.
- 8 The particular issues Ara Poutama is interested in are:
 - (a) The proposed amendments to the definition of *regionally significant infrastructure*.
 - (b) The following proposed changes to infrastructure related provisions:
 - (i) proposed amendment to objective EIT-INF-O4;
 - (ii) proposed amendment to objective EIT-INF-O5;
 - (iii) proposed amendment to policy EIT-INF-P12; and
 - (iv) proposed amendment to policy EIT-INF-P13.
 - (c) All other issues incidental to the above.
- 9 In principle, Ara Poutama does not oppose the specific relief sought in relation to the definition of *regionally significant infrastructure*. It does however oppose the stated reasons for that

³ See *Purification Technologies Limited v Taupo District Council* [1995] NZRMA 197 at [7]. *Mt Christina Ltd v Queenstown Lakes District Council* [2018] NZEnvC 190 at [64].

relief. In particular, it does not agree that the definition “captures too many activities which are not of regional significance”.⁴

- 10 To the extent that the other amendments impose additional constraints on the way in which *regionally significant infrastructure* is enabled / provided for through the PORPS, Ara Poutama opposes that relief sought under the Appeal.
- 11 Ara Poutama agrees to participate in mediation or other alternative dispute resolution of the Appeal.

DATED this 6th day of June 2024



Francelle Lupis/Rachel Murdoch
Counsel for Ara Poutama Aotearoa Department of Corrections

⁴ Royal Forest and Bird Protection Society of New Zealand Incorporated notice of appeal on the proposed Otago Regional Policy Statement 2021, 14 May 2024, at Table 1 (page 4).

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