

**BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER      of the Resource Management Act 1991  
AND                      of an appeal under clause 14(1) of Schedule  
                                 1 to the Act  
BETWEEN              TUMUAKI FOR WAITAHA TAI WHENUA O  
                                 WAITAKI TRUST BOARD  
                                 (ENV-2016-CHC-125)  
                                 Appellant  
AND                      OTAGO REGIONAL COUNCIL  
                                 Respondent

Environment Judge J R Jackson – sitting alone pursuant to section 279 of the Act

In Chambers at Christchurch

Date of Consent Order: 5 September 2018

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**CONSENT ORDER**

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- A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that:
- (1) the appeal is allowed to the extent that the Otago Regional Council is directed to amend the Proposed Otago Regional Policy Statement as set out in Appendix 1 attached to and forming part of this order; and
  - (2) the appeal is otherwise dismissed.
- B: Under section 285 of the Resource Management Act 1991, there is no order as to costs.



## REASONS

### **Introduction**

[1] Tumuaki for Waitaha Tai Whenua O Waitaki Trust Board lodged an appeal under clause 14(1) of Schedule 1 of the Resource Management Act 1991 ("the RMA" or "the Act") against part of a decision of the Otago Regional Council of the Proposed Otago Regional Policy Statement.

[2] The consent documentation was filed in April 2017 but remained on file pending the outcome of other related topics. The court has now read and considered the consent memorandum of the parties dated 8 April 2017 which proposes to resolve this appeal.

### **Other relevant matters**

[3] The following parties gave notice of an interest in this appeal under Section 274 of the Act and have signed the memorandum setting out the relief sought:

- (a) Central South Island Fish & Game Council;
- (b) Otago Fish & Game Council;
- (c) Remarkables Park Limited;
- (d) Queenstown Park Limited;
- (e) Te Rūnanga o Moeraki;
- (f) Kāti Huirapa Rūnaka ki Puketeraki;
- (g) Te Rūnanga o Ōtākou; and
- (h) Hokonui Rūnanga.

[4] No other person has given notice of intention to become a party under s 274.

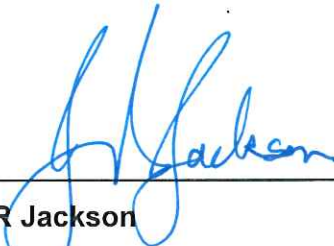
### **Orders**

[5] The court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;



- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction, and conform to the purpose and principles of the Act including, in particular, Part 2.

  
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**J R Jackson**  
**Environment Judge**



## APPENDIX 1

### *KĀI TAHU*

Kāi Tahu are takata whenua of the Otago region. Waitaha were the first people of Te Waipounamu, the South Island,— Led by Rākaihautū, they explored and settled Te Waipounamu, and their exploits are reflected in enduring place names and histories across the motu. Waitaha were followed by the arrival of Kāti Māmoe and finally Kāi Tahu. Through warfare, intermarriage and political alliances a common allegiance to Kāi Tahu was forged. Kāi Tahu means the ‘people of Tahu’, linking them by name to their common ancestor Tahu Pōtiki.

