

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of the Queenstown Lakes
Proposed District Plan

AND

IN THE MATTER of Hearing Stream 14:
Wakatipu Basin

MINUTE RELATING TO PROPOSED OTAGO REGIONAL POLICY STATEMENT

1. As part of the presentation of the Council case at the commencement of the recently concluded Stream 14 hearings, the Panel was provided with a number of consent orders made by the Environment Court settling appeals in relation to the Proposed Otago Regional Policy Statement ("PORPS"). We were provided further with three consent memoranda which we were advised had been lodged with the Court but are yet to be the subject of directions. Those three memoranda related to:
 - Chapter 3: Natural Resources;
 - Policy 5.3.1: Rural Activities;
 - An amended paragraph related to the Takata Whenua of the Otago Region.
2. The material related to the PORPS provided to us by Counsel for the Council was loaded on the hearings website.
3. We were also advised that decisions of the Court are awaited following a hearing of appeals related to the provisions of the PORPS governing mining (specifically in relation to environmental compensation accompanying mining) and to aspects of the PORPS governing the operation of the Port of Otago.
4. While, initially, we considered that it might be necessary to provide all parties with the opportunity to comment on the significance of the changes that have been (and are projected to be) made to the PORPS, we have come to the view that, subject to a qualification that we will discuss shortly, this is not necessary.

5. It was apparent that the parties appearing before us were aware of the shifting position in relation to the PORPS. A number of counsel for submitters made submissions on the implications of those changes for the case that they were advancing.
6. Those submissions extended to the implications of the consent memoranda that had been filed but are not yet the subject of orders from the Court (on the reasonable assumption that while not certain, the Court is likely to make orders substantially in the form of consent memoranda).
7. It also appeared to be common ground from the submitters who commented on the point that the matters that were the subject of hearing noted above almost certainly will not have any relevance to our deliberations.
8. We anticipate that Counsel for the Council will include her response to the submissions we have received as part of the Council's reply.
9. The other foreseeable circumstance that may arise is that some or all of the amended PORPS provisions will become operative before we release our recommendations. The effect of that occurring is that in relation to the provisions that become operative, we will need to ensure that our recommendations give effect to those provisions (subject to issues of scope) and the comparable provisions of the previously operative Regional Policy Statement will fall away. Given that we will have had substantive input from the parties on the implications of the text of the amended PORPS, we do not consider that we will require further comment in that event.
10. The qualification to that position is if the Environment Court directs substantive changes to any provisions the subject of consent memoranda and potentially relevant to our deliberations before making orders. In that event, we will invite submissions from the Council and submitters as to the implications of those changes.

For the Hearing Panel



Denis Nugent (Chair)

31 July 2018