

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

IN THE MATTER of the Resource Management Act 1991

AND of a notice of motion under section 149T (2) to decide proposed Plan Change 8: Water for Otago (referred to the Environment Court by the Minister for the Environment under section 142(2)(b) of the Act)

BETWEEN OTAGO REGIONAL COUNCIL

(ENV-2020-CHC-128)

Applicant

**MINUTE OF THE ENVIRONMENT COURT
PLAN CHANGE 8
(1 September 2021)**

Introduction

[1] This Minute is released for the purpose of case management in relation to the mediation of Plan Change 8 (PC8) Urban Topics.

[2] Mediation for the urban provisions of PC8 has been scheduled for 4 – 5 October 2021. However, the court is mindful that Covid-19 regulations may prohibit mediation being conducted in person. If this situation arises and parties request the mediation take place virtually, the court has two overriding concerns:

- (a) the need to ensure access to justice by all parties; and



- (b) the logistics of conducting a mediation by ZOOM, or a similar platform, in a manner that is logistically feasible, accessible and fair to all participants.

[3] The intended number of mediation participants is not known at this point. However, counsel for the Otago Regional Council have estimated up to 35 individuals may attend. This presents potential logistical difficulties where mediation is to occur via a platform such as ZOOM, or similar, including if the parties comprise groups of individuals who wish to talk in confidence at breakout sessions.

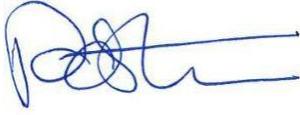
[4] The court is mindful that at present, participation in the mediation is a mandatory requirement. However, the court wishes to be satisfied that all participants have the requisite technical equipment, are agreeable to mediate in this manner and would not be disadvantaged.

Directions

[5] Accordingly, I direct that all parties are to inform the court of the below by **Monday 6 September 2021:**

- (a) would your party be willing and able to participate in a remote mediation?
- (b) do you agree with the court's tentative position that it would not be feasible to conduct the mediation satisfactorily with up to 17 parties and their advisors participating remotely?
- (c) would your party prefer that the court schedule a reserve day for the mediation to be conducted in person in the event Covid-19 regulations preclude meeting in person on 4 – 5 October 2021?

[6] Leave is reserved to apply for further (or other) directions.



P A Steven
Environment Judge

Issued: 1 September 2021