

**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 1 to the Regional Plan: Waste for Otago (referred to the Environment Court by the Minister for the Environment under s 142(2)(b) of the Act)

BETWEEN OTAGO REGIONAL COUNCIL

(ENV-2020-CHC-128)

Applicant

**MINUTE OF THE ENVIRONMENT COURT
(2 September 2021)**

[1] This minute is released for the purposes of case management regarding the PC1 and PC 8 Part H mediation on dust suppressants and landfill topics currently set down for 6 -7 September 2021.

[2] The court directed¹ parties to advise of any logistical or other difficulties they may have in participating remotely in mediation and their willingness to participate in this format. I am advised that all parties have responded either by confirming their willingness to participate in mediation, filing an attendance form

¹ Minute of the Environment Court dated 27 August 2021.



or a Memorandum in reply.

[3] The Otago Regional Council, in its Memorandum dated 30 August 2021, confirmed its willingness to participate by remote mediation and suggested that it would be efficient for the topics to be set down on separate days, namely dust suppressants on Monday 6 September and the landfill topics all on 7 September 2021.

[4] Some of the parties² have advised of difficulties in attending the mediation, and counsel for the Dunedin City Council, Dunedin International Airport Limited ('DIAL') and Big Stone Forest Limited ('BSFL') have expressed concerns over the feasibility and effectiveness of conducting mediation remotely, including where there is a relatively large number of parties and intended participants. Counsel for DIAL and BSFL note they only submitted on the landfill topics and request that mediation on PC1 Chapter 7 and PC8 Part H be delayed until an in-person mediation is possible due to the number of parties involved.

[5] In the interests of efficiency and fairness I find it appropriate to delay the mediation of the landfill topics, which Dunedin City Council, DIAL and BSFL are parties to until it can be held in person. I do not expect any party to be prejudiced in allowing mediation on dust suppressants to go ahead remotely and therefore it shall proceed as scheduled.

Directions

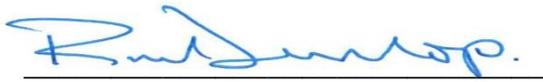
[6] Accordingly, I direct:

- (a) mediation for the topics on dust suppressants is to proceed at 9 am on **Monday 6 September 2021**. The Otago Regional Council is to send out a remote link to participants; and

² Mr James Miles is no longer able to attend and Ms McIntyre (representative for Kāi Tahu ki Otago and Te Ao Mārama) advised of potential internet connection issues, which appear resolvable.

(b) mediation for the topics on landfills is vacated. The court will be in contact with parties in due course to arrange a suitable date to reconvene the mediation.

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



R M Dunlop
Deputy Environment Commissioner
Issued: 2 September 2021

