

**BEFORE THE HEARINGS PANEL**

**IN THE MATTER**

of the Resource Management Act 1991

**AND IN THE MATTER**

of the proposed Otago Regional Policy  
Statement

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**MEMORANDUM ON BEHALF OF THE ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED REGARDING NPSIB AND RPS**

25 July 2023

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1. I refer to the Panel's recent Minutes 7 and 15, which address the process for considering the implications of the recent National Policy Statement for Indigenous Biodiversity (NPSIB) for both the freshwater and non-freshwater parts of the Otago Regional Policy Statement (RPS).
2. In Minute 7, the Panel set out an indicative timetable for filing submissions and evidence as to the implications of the NPSIB on the freshwater parts of the RPS. The indicative timetable provides that the Council would provide evidence and submissions by 11 August, with submitters being able to respond by 18 August. The Council would then have another right of reply, the date of which is still to be fixed.
3. Forest & Bird will unfortunately not be able to meet that timeframe. This is because key staff are on leave until 14 August, including counsel (May Downing) who is working on these proceedings, and Forest & Bird's General Counsel, Peter Anderson. Ms. Downing and Mr. Anderson both have prior commitments in the weeks immediately after their respective returns. These include Environment Court fixtures, that cannot be changed. I am also not available in that period.
4. This means that Forest & Bird will not be able to engage in the Council's evidence and submissions on the implications of the NPSIB and prepare a response by 18 August.
5. While the implications of the NPSIB on the freshwater parts of the RPS may not be significant, we do not take a position on that yet. We are also concerned that any evidence and submissions presented as part of the freshwater process may influence how the issue is considered in the non-freshwater process. We note that the Panel appears to also hold that view (for example at paragraph 9 of Minute 15).
6. Forest & Bird is therefore very concerned to ensure that we can properly consider and respond to the NPSIB-related matters in the freshwater process.
7. Forest & Bird therefore respectfully seeks that rather than being required to file separate legal submissions prior to the hearing on the NPSIB point (as proposed in the indicative timetable), that Forest & Bird (or submitters generally) may address the NPSIB point as part of its legal submissions at the hearing.
8. This approach will mean that adequate time is available to enable Forest & Bird's submissions to be as useful as possible to the Panel.



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Erika Toleman  
Counsel for Royal Forest and Bird Protection Society of New Zealand