

**IN THE ENVIRONMENT COURT  
AT CHRISTCHURCH**

**I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

**ENV-2024-CHC-26**

**UNDER** The Resource Management Act 1991  
(the **Act/RMA**)

**IN THE MATTER** of an appeal against decisions on the  
non-freshwater planning instrument  
related parts of the Proposed Otago  
Regional Policy Statement 2021  
(**Decisions Version**)

**BETWEEN** **ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF NEW  
ZEALAND INCORPORATED**

**Appellant**

**AND** **OTAGO REGIONAL COUNCIL**

**Respondent**

**AND** **RAYONIER MATARIKI FORESTS,  
CITY FORESTS LIMITED, ERNSLAW  
ONE LIMITED, PORT BLAKELY NZ  
LIMITED**

**(FORESTRY SUBMITTERS)**

**Section 274 Parties**

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**NOTICE OF FORESTRY SUBMITTERS WISH TO BE PARTY TO  
PROCEEDINGS**

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**NOTICE OF FORESTRY SUBMITTERS WISH TO BE PARTY TO  
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To: The Registrar

Environment Court

Christchurch Registry

1. We, Rayonier Matariki Forests Limited, City Forests Limited, Ernslaw One Limited and Port Blakely NZ Limited (together the **Forestry Submitters**), wish to be a party to the following proceeding:

(a) *Royal Forest and Bird Protection Society of New Zealand Incorporated v Otago Regional Council.*

2. The Environment Court's reference number for these proceedings is ENV-2024-CHC-26.

3. The Forestry Submitters made original and further submissions on Otago Regional Council's Proposed Otago Regional Policy Statement 2021 (**Decisions Version**), which is the subject of the proceedings.

4. The Forestry Submitters are not a trade competitor for the purposes of section 308C or 308CA of the Act.

5. The Forestry Submitters are interested in all the proceedings. Without limiting the generality of the Forestry Submitters' interest, they are interested in the following particular issues:

(a) Interpretation – Definitions - 'Rural area'

(b) IM - Integrated Management: IM-O4 – Climate change; IM-P10 – Climate change adaptation and mitigation; IM-P12 – Contravening limits for climate change mitigation and climate change adaptation

(c) CE - Coastal Environment: CE-O1A – Te Mauri o te Moana; CE-O1 – Safeguarding the coastal environment (Te Hauora o Te Tai o Arai Te Uru); CE-O3 – Natural Character, features and landscapes; CE-O5 – Activities in the coastal environment; CE-

P3 – *Coastal water* quality; CE-P9 – Activities on *land* within the coastal environment; CE-M3 – *Regional plans*; and CE-AER1

- (d) LF - *Land and Freshwater*: LF-FW-P3/LF-WAI-P3<sup>1</sup> - Integrated management/ki uta ki tai; LF-FW-P13 – Preserving natural character and instream values; LF-FW-P14 – Restoring natural character and instream values; LF-LS-P16A – Managing *pests*; LF-LS-M12 – *District plans*
- (e) ECO - Ecosystems and Indigenous Biodiversity: ECO-O2 – Restoring and enhancing; ECO-P3 – Protecting *significant natural areas* and taoka; ECO-P4 – Provision for new activities; ECO-P5A – Managing adverse effects of established activities on *significant natural areas*; ECO-P6 – Maintaining indigenous *biodiversity*; ECO-P8 – Restoration and enhancement; ECO-P10 – Integrated approach; ECO-M2 – Identification of *significant natural areas*; ECO-M4 – *Regional plans*; ECO-M5 – *District plans*; and ECO-E1/ECO-PR1<sup>2</sup> - Principal reasons
- (f) EIT - Energy, infrastructure and transport: EIT-INF-P13 – Locating and managing *effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure* outside the coastal environment
- (g) HAZ - Hazards and risks: HAZ-NH-P6 – Protecting features and systems that provide hazard mitigation
- (h) NFL - Natural features and landscapes; NFL-O1 – Outstanding *natural features and landscapes*; and NFL-P2 – Protection of outstanding natural features and landscapes
- (i) UFD - Urban form and development: UFD-O4 – Development in *rural areas*; and UFD-P7 – Rural areas

6. The Forestry Submitters *support* the relief sought in:

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<sup>1</sup> Although its notice of appeal refers to LF-FW-P3, we assume that Forest and Bird are referring to LF-WAI-P3 here.

<sup>2</sup> The Forestry Submitters understand that the provision referred to is ECO-PR1 despite being listed as ECO-E1 in the notice of appeal.

- (a) Integrated Management - IM-O4: because it is enabling for the carbon sequestration undertaken by the Forestry Submitters.
  - (b) Coastal Environment - CE-P3: Sedimentation is already regulated under NES-CF.
7. The Forestry Submitters *oppose* the other relief sought because:
- (a) It is inconsistent with the Act (particularly Part 2) and does not achieve integrated or sustainable management;
  - (b) It does not give effect to National Policy Statements and relies on strained interpretations of the National Policy Statement on Indigenous Biodiversity 2023 (**NPSIB**), the National Policy Statement on Freshwater Management 2020 (**NPSFM**) and the relationship between the two;
  - (c) In various places the Appellant seeks extension of the jurisdiction of the New Zealand Coastal Policy Statement (**NZCPS**);
  - (d) It is more stringent than the National Environmental Standards for Commercial Forestry (**NESCF**) and imposes unjustified additional constraints on activities undertaken by the Forestry Submitters;
  - (e) It is outside the scope of the non-freshwater provisions because it relates directly to the maintenance or enhancement of freshwater quality or quantity;
  - (f) It is inconsistent with achieving New Zealand's emissions reduction targets;
  - (g) Its costs and benefits are unquantified;
  - (h) It is unclear but potentially broad in scope;
  - (i) It will slow down resource management processes in a way that is inconsistent with s 18A of the Act; and
  - (j) The relief sought relates to land regulated under separate legislation.

8. The Forestry Submitters agree to participate in mediation or other alternative dispute resolution of the proceedings.



Phil Page/Aengus Griffin

Counsel for Forestry Submitters

Date: 7 June 2024

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*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.