

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao O Aotearoa
Ōtautahi Rohe

ENV-ENV-2024-CHC-26

Under the Resource Management Act 1991

In the matter of an appeal under clause 14 of Schedule 1

Between **Royal Forest and Bird Protection Society of New Zealand Inc**

Appellant

And **Otago Regional Council**

Respondent

Notice of Dunedin City Council's wish to be party to proceedings pursuant to section 274 RMA

14 June 2024

Dunedin City Council's solicitors:

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**anderson
lloyd.**

To the Registrar

Environment Court

Christchurch

- 1 Dunedin City Council gives notice it wishes to be party to the following proceedings:

Royal Forest and Bird Protection Society of New Zealand Inc v Otago Regional Council (ENV-2024-CHC-26) being an appeal under clause 14 of Schedule 1 of the Resource Management Act 1991 (**RMA**), against the decisions of the Otago Regional Council (**ORC**) on the non-freshwater planning instrument parts of the Proposed Otago Regional Policy Statement 2021 (**PORPS**).

- 2 Dunedin City Council has an interest in the proceedings that is greater than the interest that the general public has because Dunedin City Council is a territorial authority with responsibility for community and economic development, and urban planning.
- 3 Dunedin City Council made a submission about the subject matter of the proceedings.
- 4 Dunedin City Council is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
- 5 Dunedin City Council is interested in all of the appeal.
- 6 Without limiting its interest in all of the appeal, Dunedin City Council is particularly interested in the appeal points relating to the following provisions of the ORPS:
 - (a) definition of "highly valued natural features and landscapes";
 - (b) definition of "regionally significant infrastructure";
 - (c) CE-O3;
 - (d) CE-P9;
 - (e) LF-WAI-P3¹;

¹ It is noted that this is incorrectly referred to as LF-FW-P13 in the notice of appeal.

- (f) LF-LS-M12;
- (g) ECO-M2;
- (h) ECO-M5;
- (i) EIT-INF-P13(1)(e) and (h);
- (j) EIT-INF-P13(2);
- (k) HAZ-CL-P18;
- (l) NFL-O1; and
- (m) NFL-P4.

7 Dunedin City Council supports the relief sought in relation to:

- (a) the definition of "highly valued natural features and landscapes,
- (b) the Ecosystems and Indigenous Biodiversity objectives,
- (c) the Natural Features and Landscapes objectives and policies; and
- (d) the reinstatement of EIT-INF-P13(1)(e) and (h).

8 Dunedin City Council opposes the relief sought in relation to:

- (a) the definition of "regionally significant infrastructure";
- (b) the removal of the words "protected from inappropriate activities" from CE-O3
- (c) the inclusion of the test "where possible" in LF-WAI-P3;
- (d) the removal of the word "minimising" in LF-LS-M12;
- (e) the replacement of "reasonably practicable" with "possible" in EIT-INF-P13(2); and
- (f) the removal of "to the extent reasonably practicable" in HAZ-CL-P18.

9 Dunedin City Council agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 14th day of June 2024



Michael Garbett/Rebecca Kindiak
Counsel for the Dunedin City Council

This document is filed by Michael Garbett, solicitor for the Section 274 party,
of the firm Anderson Lloyd.

The address for service of the Section 274 party is
Level 12, Otago House, 477 Moray Place, Dunedin 9016.

Documents for service on the filing party may be left at that address for service
or may be:

- (a) posted to the solicitor at Private Bag 1959, Dunedin 9054; or
- (b) left for the solicitor at a document exchange for direction to DX Box
YX10107 Dunedin; or
- (c) transmitted to the solicitor by fax to + 64 3 477 3184; or
- (d) emailed to the solicitor at michael.garbett@al.nz.

Advice

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