

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
CHRISTCHURCH REGISTRY**

**ENV-2024-CHC-**

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

**UNDER**

cl 14 of Schedule 1 to the  
Resource Management Act 1991  
("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

**BETWEEN**

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

Appellant

**AND**

**OTAGO REGIONAL COUNCIL**

Respondent

**AND**

**TE RŪNANGA O MOERAKI, KĀTI  
HUIRAPA RŪNAKA KI  
PUKETERAKI, TE RŪNANGA O  
ŌTĀKOU AND HOKONUI  
RŪNANGA**

(continued overleaf)

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**NOTICE OF WISH ON BEHALF OF KĀI TAHU TO BE A PARTY TO  
PROCEEDINGS**

Dated 6 June 2024

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**Solicitor instructing:**

Chris Ford



Te Rūnanga o **NGĀI TAHU**

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**Counsel acting:**

Aidan Cameron

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**AND**

**TE AO MARAMA  
INCORPORATED ON BEHALF  
OF WAIHOPAI RŪNAKA, TE  
RŪNANGA O ŌRAKA APARIMA,  
AND TE RŪNANGA O AWARUA**

**AND**

**TE RŪNANGA O NGĀI TAHU**

Section 274 Parties

**NOTICE OF WISH ON BEHALF OF KĀI TAHU TO BE A PARTY TO  
PROCEEDINGS**

**To:** the Registrar  
Environment Court  
Auckland, Wellington and Christchurch

**This document notifies you that** the following parties, Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (collectively, “**Kāi Tahu ki Otago**” or “**Kā Rūnaka**”); Te Ao Marama Incorporated on behalf of Waihopai Rūnaka, Te Rūnanga o Ōraka Aparima, and Te Rūnanga o Awarua (collectively, “**Ngāi Tahu ki Murihiku**”); and Te Rūnanga o Ngāi Tahu (“**TRONT**”); together referred to as “**Kāi Tahu**”, wish to be parties to the following proceedings:

- ENV-2024-CHC- Royal Forest and Bird Protection Society of New Zealand Incorporated (“**the Appellant**”) v Otago Regional Council (“**the Respondent**”).
1. The Kāi Tahu rūnaka represent the relevant hapū that exercise rakatirataka and kāitiakitaka within their respective takiwā, which includes the Otago Region. Accordingly, Kāi Tahu have a unique and abiding interest in the sustainable management of te taiao – the environment – within the Otago region.
  2. In that respect, the rūnaka have an interest in the proceedings greater than the general public.
  3. Kāi Tahu also made submissions about the subject matter of the proceedings.
  4. Kāi Tahu are not a trade competitor for the purposes of s 308C of the Resource Management Act (“**RMA**”).
  5. Kāi Tahu are particularly interested in the following issues:
    - (a) in IM-P12, inclusion of a requirement that climate change mitigation measures can only contravene limits if there is no alternative location or method;

- (b) amendments to CE objectives and policies to provide for integrated management across the coastal environment and to improve coastal water quality;
- (c) the definition of 'commercial port activity' and its implementation in EIT-TRAN-O10 and EIT-TRAN-P23;
- (d) inclusion in LF policies of a requirement that effects are considered against the naturalised flow and natural state of a waterbody;
- (e) ECO policies, particularly ECO-P3 to ECO-P6 as they relate to the management of significant natural areas, taoka species and ecosystems, and indigenous biodiversity in general;
- (f) amendments to EIT-INF and EIT-EN policies to align them with the National Policy Statement for Freshwater Management ("**NPSFM**") and to integrate with relevant CE policies;
- (g) reinstatement of EIT-EN-P4 regarding location of renewable electricity generation activities to avoid adverse effects on mana whenua values;
- (h) amendments to HAZ-NH objectives and policies to give effect to the New Zealand Coastal Policy Statement ("**NZCPS**"); and
- (i) reinstatement of definition and provisions for highly valued natural features and landscapes.

6. Kāi Tahu support the relief sought by the Appellant for the following reasons:

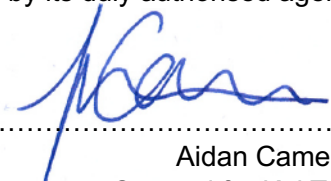
- (a) it will promote the sustainable management of natural and physical resources, and achieve the purpose of the RMA, in that it will:
  - (i) manage the use, development, and protection of natural and physical resources in a way which enables people and communities to provide for their social, economic, and cultural well-being and for

their health and safety, as required by section 5 of the RMA;

- (ii) sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
  - (iii) safeguard the life-supporting capacity of air, water, soil, and ecosystems;
  - (iv) appropriately avoid, remedy, or mitigate adverse effects of activities on the environment;
- (b) it is consistent with Part 2 of the RMA, including ss 6(e), 7 and 8;
- (c) it will promote a ki uta ki tai approach to the management of natural and physical resources;
- (d) it will address relevant provisions in the Kāi Tahu ki Otago Natural Resource Management Plan 2005 and Te Tangi a Taurira 2008;
- (e) it will give effect to relevant national policy statements, including the New Zealand Coastal Policy Statement, the NPSFM and the National Policy Statement for Indigenous Biodiversity; and
- (f) it is an appropriate way to achieve the objectives of the PORPS and the purpose of the RMA, as required by section 32 of the RMA.

7. Kāi Tahu agree to participate in mediation or other alternative dispute resolution of the proceedings.

**KĀI TAHU** by its duly authorised agents:



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Aidan Cameron  
Counsel for Kāi Tahu

**Date:** 6 June 2024

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**To:** the Registrar of the Environment Court at Christchurch

**And to:** the Appellant

**And to:** the Respondent

**Advice**

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