

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I MUA I TE KOOTI TAIAO O AOTEAROA
ŌTAUTAHI ROHE**

ENV-2024-CHC-25

IN THE MATTER

**of an appeal under Clause
14 of Schedule 1 of the
Resource Management Act
1991**

AND IN THE MATTER

**of the non-freshwater parts
of the Proposed Otago
Regional Policy Statement
2021**

BETWEEN

**Dunedin City Council
Appellant**

AND

**Otago Regional Council
Respondent**

NOTICE OF INTENTION BY THE ROYAL FOREST AND

BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED

Dated 5 June 2024

To: The Registrar
Environment Court
Christchurch

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) wishes to be a party to the following proceedings:
 - a. ENV-2024-CHC-25 *Dunedin City Council v Otago Regional Council*
2. Forest & Bird made a submission and further submission on the Proposed Otago Regional Policy Statement.
3. Forest & Bird is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. Forest & Bird has an interest greater than the public generally as an incorporated society with a well-known role in the protection of indigenous biodiversity.¹
5. Forest & Bird is interested in the proceeding insofar as it concerns CE-M3(4).
6. Forest & Bird **opposes** the relief sought because it seeks to enable direct discharges of untreated wastewater direct to coastal water in a manner that is:
 - a. inconsistent with the Act;
 - b. not justified by higher order direction including the New Zealand Coastal Policy Statement and National Policy Statement for Freshwater Management.
 - c. Does not give effect to Policy 23(2)(a) of the NZCPS (“*[D]o not allow... discharge of human sewage directly to water in the coastal environment without treatment*”) and is inconsistent with binding authority which stipulates that 23(2)(a):
 - i. is “very specific as to subject matter and concrete as to intended effect”² and

¹ See *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [31]

² *Royal Forest & Bird Protection Society of NZ Inc v New Zealand Transport Authority* [2024] NZSC 26 at [103]

ii. that there is “not much wriggle room in this kind of language.”³

7. Forest & Bird agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Dated: 5 June 2024



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³ *Royal Forest & Bird Protection Society of NZ Inc v New Zealand Transport Authority* [2024] NZSC 26 at [104]