

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2024-CHC-40

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

IN THE MATTER

of an appeal under clause 14(1) of the First
Schedule of the Resource Management Act
1991

BETWEEN

Queenstown Airport Corporation Limited
Appellant

AND

Otago Regional Council
Respondent

**NOTICE OF WISH OF DIRECTOR-GENERAL OF CONSERVATION TUMUAKI AHUREI
TO BE A PARTY TO APPEAL**

7 June 2024

Director-General of Conservation Tumuaki Ahurei

Solicitor Rōia: Pene Williams
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NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS

To:

The Registrar
Environment Court
Christchurch

1. The Director-General of Conservation Tumuaki Ahurei (D-G) wishes to be a party to the following proceedings:
Queenstown Airport Corporation Limited v Otago Regional Council
ENV-2024-CHC-40
2. The D-G received notice of this appeal on 16 May 2023.
3. The D-G made a submission on the matters included in the proposed Regional Policy Statement (RPS). The D-G has an interest in this proceeding that is greater than that of the general public.
4. The D-G is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
5. The D-G is interested in part of the appeal as described in the table attached to this notice in Schedule 1.
6. The D-G opposes the relief sought in the appeal for the reasons given in the table in Schedule 1.
7. The D-G agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Pene Williams

Counsel for the Director-General of Conservation Tumuaki Ahurei

Dated 7 June 2024

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Schedule 1 – Parts of appeal joined, position and reasons

Provision appealed	Relief sought	Support/ Oppose	Reasons
IM-P14 – Sustaining resource potential	Delete IM-P14	Oppose	The D-G considers this policy should be retained as it is an appropriate measure to sustain resource potential in the region, including for infrastructure.
LF-FW-P12 – Identifying and managing outstanding waterbodies	<u>Amend</u> policy as follows: <i>Identify outstanding water bodies and their significant and outstanding values in the relevant regional plans and district plans and protect those values while recognising that for infrastructure, EIT-INF-P13 applies instead of LF-FW-P12.</i>	Oppose	The D-G opposes this amendment. EIT-INF-P13 applies policy LF-FW-P12 to manage adverse effects of infrastructure where outstanding water bodies are impacted. This amendment would result in circularity and uncertainty and is contrary to Part 2 RMA.
EIT-INF-O4 – Provision of infrastructure, And NEW objectives EIT-INF-OX EIT-INF-OXX	Either <u>insert</u> two new objectives, or <u>add</u> to EIT-INF-O4 <i>“EIT-INF-OX: The adverse effects arising from the development or operation of regionally significant infrastructure and nationally significant infrastructure are avoided, remedied or mitigated to the extent practicable, given their operational and location constraints.”</i> <i>“EIT-INF-OXX: Regionally and nationally significant infrastructure is protected from incompatible subdivision, use and development and reverse sensitivity effects”.</i>	Oppose	The D-G opposes the insertion of these new matters -OX and -OXX at objective level. These matters are sufficiently addressed in relevant RPS EIT-INF policies.
EIT-INF-O5 – Integration	Delete EIT-INF-O5	Oppose	This objective should be retained to achieve the purpose of sustainable management of resources, including integration of infrastructure in the region.
EIT-INF-P12 – Upgrades and developments	<u>Amend</u> EIT-INF-P12 by <u>inserting</u> new proviso: <i>Provide for upgrades to existing, and development of new, nationally significant</i>	Oppose	The D-G opposes the amendment sought, as this would inappropriately prioritise protection of nationally significant infrastructure and regionally significant infrastructure as part of long-term land

Provision appealed	Relief sought	Support/ Oppose	Reasons
	<p><i>infrastructure or regionally significant infrastructure while ensuring that:</i></p> <p>(1) ...</p> <p>(2) <i>it is as far as practicable, co-ordinated with long-term land use planning, and ...</i></p> <p>(3)</p> <p><u><i>while recognising that for regionally significant infrastructure and nationally significant infrastructure, EIT-INF-P15 applies instead of EIT-INF-P12(2).</i></u></p>		<p>use planning. This would fail to achieve the purpose of sustainable management in the region, contrary to Part 2 RMA.</p>
<p>EIT-INF-P13 – Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment</p>	<p><u>Amend</u> by <u>inserting</u> a new clause (3) or insert new policy to same effect:</p> <p><i>“EIT-INF-P13 – Locating and managing effects of infrastructure, nationally significant infrastructure and regionally significant infrastructure outside the coastal environment</i></p> <p>....</p> <p><u><i>(3) in other areas outside the areas listed in (1) above, avoid, remedy or mitigate adverse effects of regionally or nationally significant infrastructure.”</i></u></p>	<p>Oppose</p>	<p>The D-G opposes this addition to the policy as it provides no direction for management of adverse effects of infrastructure outside sensitive areas beyond the RMA.</p>
<p>EIT-INF-P14 – Decision making considerations</p>	<p><u>Delete</u> policy</p>	<p>Oppose</p>	<p>The D-G opposes deletion as this policy provides useful clarification to decision-makers and is not contradictory to EIT-INF-P13.</p>