

IN THE HIGH COURT OF NEW ZEALAND
DUNEDIN REGISTRY
I TE KŌTI MATUA O AOTEAROA
ŌTEPOTI ROHE

No. CIV-2021-412-000089

UNDER the Declaratory Judgments
Act 1908

IN THE MATTER of an application under the
Declaratory Judgment Act
1908

BETWEEN **OTAGO REGIONAL**
COUNCIL

Plaintiff

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

Defendant

AFFIDAVIT OF REBECCA CATHERINE MCGROUTHER IN
SUPPORT OF STATEMENT OF DEFENCE BY PORT OTAGO LTD
SWORN 26th DAY OF OCTOBER 2021

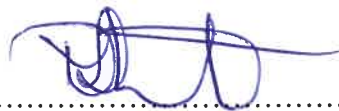
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I **Rebecca Catherine McGrouther** of Dunedin, Environmental Manager make oath and say:

1. I am employed by Port Otago Ltd as its Environmental Manager.
2. Port Otago Ltd operates ports at Port Chalmers and Dunedin and its operations are of regional and national significance and fundamental to the economic health of the Otago community.
3. Port Otago Ltd is required to operate the ports at Port Chalmers and Dunedin safely and efficiently and it is able to do this relying on authorisations contained in the Otago Regional Council Coastal Plan and various resource consents.
4. Policy statements relating to the Coastal Marine Area directly affect Rules relating to port operations in the Coastal Marine Area either because the rules permit such operations or affect resource consents that can be obtained.
5. Port Otago Ltd is currently waiting for a decision from the Court of Appeal on its appeal against the policies in the Coastal Marine Area contained in the previous Otago Regional Council proposed Regional Policy Statement.
6. Port Otago Ltd has made extensive submissions on policies relating to the coastal environment in the Proposed Otago Regional Policy Statement 2021.
7. Port Otago Ltd is concerned that the Plaintiff is adopting a process in respect of policies relating to the Coastal Marine Area that were specifically designed and limited to only apply to freshwater. The Plaintiff, in doing so, is purporting to remove the rights that Port Otago Ltd has as a submitter to have its submissions on provisions relating to the Coastal Marine Area in the plan considered and determined under Part 1 of Schedule 1 of the Resource Management Act 1991.

Sworn at Dunedin)
this 26th day of)
October 2021)
before me:)



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A Solicitor of the High Court of New Zealand