
**IN THE HIGH COURT OF NEW ZEALAND
DUNEDIN REGISTRY**

**I TE KŌTI MATUA O AOTEAROA
ŌTEPOTI ROHE**

CIV-2021-412-89

UNDER the Declaratory Judgments Act 1908
IN THE MATTER OF an application under the Declaratory
Judgments Act 1908
BETWEEN **OTAGO REGIONAL COUNCIL**
Plaintiff
AND **ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF
NEW ZEALAND INCORPORATED**
Defendant
AND **MINISTER FOR THE ENVIRONMENT**
Second Defendant

STATEMENT OF DEFENCE FOR THE SECOND DEFENDANT

5 November 2021

Judicial Officer: Osborne J

CROWN LAW
TE TARI TURE O TE KARAUNA
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The second defendant by his solicitor says in response to the statement of claim for declaratory judgment dated 3 September 2021:

Parties

1. The Plaintiff notified the Proposed Otago Regional Policy Statement (**PORPS**) on 26 June 2021. The second defendant made a submission on the PORPS.
2. The Plaintiff lodged a statement of claim seeking declarations on the PORPS on 3 September 2021.
3. The second defendant admits paragraphs 1 and 2.

The allegations

4. In relation to the allegations in paragraph 3 he:
 - 4.1 admits sub-paragraph 3(a), and
 - 4.2 denies sub-paragraph 3(b) to the extent that the responsibilities relating to the preparation of the Otago Regional Council Policy Statement are under ss 59 – 62, but do not extend to s 63.
5. Admits the allegations in paragraph 4 -6.
6. Apprehends that the allegations in paragraphs 7 – 8 are matters of law to which he need not plead.
7. Admits the allegations in paragraph 9 – 12.

Decision to subject whole of PORPS to freshwater planning process

8. Admits the allegations in paragraph 13 and further says that he apprehends whether staff were correct in considering PORPS 2021 to be a freshwater planning instrument in its entirety is a matter of law to which he need not plead.
9. Admits the allegations in paragraph 14 in relation to the RPS notification report and further apprehends whether the PORPS as a whole is a freshwater planning instrument is a matter of law to which he need not plead.
10. Admits the allegation in paragraph 15 that the RPS notification report indicated that links can be made between the freshwater chapter of the PORPS and other

specific resource management chapters in PORPS but does not know and therefore denies that these links are correct.

11. Admits the allegations in paragraphs 16 – 18 and further says that he apprehends whether the whole of PORPS would be subject to the freshwater planning process is a matter of law to which he need not plead.
12. Admits the allegations in paragraphs 19 – 21.
13. Apprehends paragraph 22 is a matter of law to which he need not plead.
14. Apprehends paragraph 23 is a matter of law to which he need not plead but to the extent it is a statement of fact he admits it.

Declarations

Apprehends that he need not respond to claims for relief and accordingly does not plead to the declarations sought in paragraph 24.

This document is filed by Rosemary Dixon / Rafe Muston, solicitors for the second defendant, of Crown Law.

The address for service of the second defendant is Crown Law, Level 3, Justice Centre, 19 Aitken Street, Wellington 6011. Documents for service on the second defendant may be left at this address for service or may be:

- (a) posted to the solicitor at PO Box 2858, Wellington 6140; or
- (b) left for the solicitor at a document exchange for direction to DX SP20208, Wellington Central; or
- (c) transmitted to the solicitor by facsimile to 04 473 3482; or
- (d) emailed to the solicitor at rosemary.dixon@crownlaw.govt.nz provided that the documents are also emailed to rafe.muston@crownlaw.govt.nz