

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

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

CIV-2021-412-00089

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

BETWEEN **OTAGO REGIONAL COUNCIL** a regional council under
Schedule 2 of the Local Government Act 2002

Plaintiff

AND **ROYAL FOREST AND BIRD PROTECTION SOCIETY
OF NEW ZEALAND INCORPORATED** an incorporated
society having its registered office at 205 Victoria Street,
Wellington

Defendant

**STATEMENT OF DEFENCE ON BEHALF OF CANTERBURY REGIONAL
COUNCIL**
16 November 2021

Canterbury Regional Council's Solicitor
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WYNNWILLIAMS

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STATEMENT OF DEFENCE TO PLAINTIFF'S STATEMENT OF CLAIM

The Canterbury Regional Council (**CRC**), a defendant in this proceeding, by its solicitor says in answer to the Statement of Claim for declaratory judgment dated 3 September 2021 filed by the Plaintiff:

Parties

- 1 It admits paragraphs 1 and 2.
- 2 It is also a regional council under Schedule 2 of the Local Government Act 2002, with responsibilities under the Resource Management Act 1991 (**RMA**). It made a submission on the Proposed Otago Regional Policy Statement (**PORPS**).

Facts upon which the application is based

- 3 In relation to the allegations in paragraph 3 it:
 - (a) Admits paragraph 3(a); and
 - (b) Denies paragraph 3(b) to the extent that the Plaintiff's functions in respect of the preparation of the PORPS are contained in sections 59 to 62 of the RMA, but do not extend to section 63.
- 4 It admits paragraphs 4 to 8.

The Proposed Otago Regional Policy Statement 2021

- 5 It admits paragraphs 9 to 12.

Decision to subject whole of PORPS to freshwater planning process

- 6 It admits paragraphs 13 to 23, and further notes that whether the PORPS as a whole is a freshwater planning instrument is a question of law to which it is not required to plead.

Declaration sought

- 7 It is not required to plead in response to paragraphs 24(1) to (4) which details the relief sought.

This document is filed by Philip Andrew Charles Maw of Wynn Williams as solicitor for the Canterbury Regional Council. Address for service is at the offices of Wynn Williams, Level 5, 47 Hereford Street, Christchurch. Documents of service may be:

- a. Left at that address; or
- b. Posted to the solicitor at PO Box 4341, Christchurch; or
- c. Emailed to the solicitor at Philip.Maw@wynnwilliams.co.nz.