

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

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

**CIV-2021-412-089**

**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 INC**  
**Defendant**

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**STATEMENT OF DEFENCE ON BEHALF OF NGĀ RŪNANGA**

**Dated 22 December 2021**

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Next event date: 8 February 2022

**Solicitor acting:**

Jessica Riddell  
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Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga, and Te Rūnanga o Ngāi Tahu (collectively **Ngā Rūnanga**), defendants in this proceeding, by their solicitors say in answer to the Statement of Claim for declaratory judgment dated 3 September 2021 filed by the Plaintiff:

### **Parties**

1. Ngā Rūnanga admit paragraphs 1 and 2.
2. Te Rūnanga o Ngāi Tahu is the statutorily recognised representative tribal body of Ngāi Tahu whānui (as provided by section 15 of the Te Rūnanga o Ngāi Tahu Act 1996 (**TRONT Act**)) and was established as a body corporate on 24 April 1996 under section 6 of the TRONT Act.
3. Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga (**Kāi Tahu ki Otago**) are four of the 18 Papatipu Rūnanga of Ngāi Tahu Whānui that are statutorily recognised under the TRONT Act and are mana whenua within the Otago region.
4. The Plaintiff notified the Proposed Otago Regional Policy Statement (**PORPS**) on 26 June 2021. Kāi Tahu ki Otago and Te Rūnanga o Ngāi Tahu made submissions on the PORPS.
5. In response to the Plaintiff's Statement of Claim dated 3 September 2021, Ngā Rūnanga filed a Notice of Appearance on 26 October 2021.
6. On 20 December 2021 the High Court Registrar, by consent, made directions allowing Ngā Rūnanga to file a Statement of Defence by 22 December 2021.

### **Facts upon which the application is based**

7. In relation to the allegations in paragraph 3, Ngā Runanga:
  - 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 Resource Management Act 1991, but do not extend to section 63.
8. They admit paragraphs 4 to 8.

### **The Proposed Otago Regional Policy Statement 2021**

9. They admit paragraphs 9 to 12.

**Decision to subject whole of PORPS to freshwater planning process**

10. They admit paragraphs 13 to 23.

**Declaration Sought**

11. Ngā Rūnanga are not required to plead in response to paragraph 24, which details the relief sought. However, Ngā Rūnanga record their support for the declarations sought by the Plaintiff in paragraphs 24(1), (2) and (4).

DATED this 22<sup>nd</sup> day of December 2021



Joshua Leckie / Jessica Riddell

Counsel for Ngā Runanga

This document is filed by Jessica Alison Riddell of Te Rūnanga o Ngāi Tahu as solicitor for Ngā Rūnanga. Address for service is at the offices of Te Rūnanga o Ngāi Tahu, Te Whare o Te Waipounamu, 15 Show Place, Christchurch. Documents of service may be:

- a. Left at that address; or
- b. Posted to the solicitor at PO Box 13 046, Christchurch; or
- c. Emailed to the solicitor at [jessica.riddell@ngaitahu.iwi.nz](mailto:jessica.riddell@ngaitahu.iwi.nz)