

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA**

**AT CHRISTCHURCH
ŌTAUTAHU ROHE**

ENV – 2018 – CHC – 287

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an appeal under clause 14(1) of the First Schedule of the Act
in relation to the Proposed Dunedin City District Plan

BETWEEN

**Royal Forest and Bird Protection Society of New Zealand
Incorporated**
Appellant

AND

Dunedin City Council
Respondent

**NOTICE OF DIRECTOR-GENERAL OF CONSERVATION'S
WISH TO BECOME A PARTY TO PROCEEDINGS**

Section 274 Resource Management Act 1991

Department of Conservation

Planning, Permissions and Land

Department of Conservation

Private Bag 4715

Christchurch 8140

Phone: 03 371 3700

Solicitor: Pene Williams

To: The Registrar
Environment Court
Christchurch

1. I, Lou Sanson, Director-General of Conservation (the Director-General) wish to be a party to an appeal against part of the decision of the Dunedin City Council on the Proposed Dunedin City District Plan (the proposed Plan) by **Royal Forest and Bird Protection Society of New Zealand Incorporated** (the appellant), ENV – 2018 – CHC – 287.
2. I made a submission¹ and a further submission² on the proposed Plan.
3. I am not a trade competitor for the purposes of section 308C or section 308CA of the Resource Management Act 1991 (RMA).
4. I am interested in part of the appeal.
5. Where I have an interest in the appeal, I support the appeal and the relief sought by the appellant.
6. The parts of the appeal where I have an interest and my reasons for support the appeal and the relief sought are set out in Table 1 as follows:

Table 1

Part of Decision Appealed	Reasons for supporting relief sought
Definition of ‘no net loss’	The definition in the Decision Version of the proposed Plan is consistent with the Director-General’s submission and evidence. However, the inclusion of “overall” does allow for offsetting of biodiversity which may result in the continuing decline of threatened or at risk species, and not maintain indigenous biodiversity. For these reasons, I support the deletion of “overall” from the definition.
Policy 2.2.3.1	This will be consistent with section 6(c) of the RMA. This will give effect to the Operative Otago Regional Policy Statement as required by section 75 of the RMA, in particular: Objective 10.4.3 and Policy 10.5.2. This will give effect to the proposed Otago Regional Policy

¹ Submission of Director-General of Conservation dated 24 November 2015, reference 949

² Further submission of Director-General of Conservation dated 3 March 2016, reference 2379

	Statement as decided 1 October 2016 as required by section 75 of the RMA, in particular: Objective 3.2 and Policy 3.2.1 and 3.2.2.
Policy 10.2.1.2 (Policy 10.2.1.X of the marked-up version)	This will give effect to the Operative Otago Regional Policy Statement as required by section 75 of the RMA, in particular: Objective 10.4.3 and Policy 10.5.2. This will give effect to the proposed Otago Regional Policy Statement, Council decision version dated 1 October 2016 as required by section 75 of the RMA, in particular: Objective 3.2 and Policy 3.2.2.
Policy 10.2.1.3 (Policy 10.2.1.Y of the marked-up version)	This will give effect to the Operative Otago Regional Policy Statement as required by section 75 of the RMA, in particular: Objective 10.4.3 and Policy 10.5.2. This will give effect to the proposed Otago Regional Policy Statement, Council decision version dated 1 October 2016 as required by section 75 of the RMA, in particular: Objective 3.2 and Policy 3.2.2.
Policy 10.2.1.4 (Policy 10.2.1.2 of the marked up version)	This will give effect to the Operative Otago Regional Policy Statement as required by section 75 of the RMA, in particular: Objective 10.4.3 and Policy 10.5.2. This will give effect to the proposed Otago Regional Policy Statement, Council decision version dated 1 October 2016 as required by section 75 of the RMA, in particular: Objective 3.2 and Policy 3.2.2.
Policy 10.2.1.6 (Policy 10.2.1.3 of the marked-up version)	This will give effect to the Operative Otago Regional Policy Statement as required by section 75 of the RMA, in particular: Objective 10.4.3 and Policy 10.5.2. This will give effect to the proposed Otago Regional Policy Statement, Council decision version dated 1 October 2016 as required by section 75 of the RMA, in particular: Objective 3.2 and Policy 3.2.2.
Policy 10.2.1.7 (Policy 10.2.1.4 of the marked-up version)	This will be consistent with section 6(a) of the RMA. This will give effect to the Operative Otago Regional Policy Statement as required by section 75 of the RMA, in particular:

	Objective 10.4.1 and Policy 10.5.2. This will give effect to the proposed Otago Regional Policy Statement, Council decision version dated 1 October 2016 as required by section 75 of the RMA, in particular: Objective 3.1 and Policy 3.1.2.
Policy 10.2.1.11 (Policy 10.2.1.9 of the marked-up version)	This will be consistent with section 6(c) of the RMA.
Policy 10.2.3.4 (Policy 10.2.3.X of the marked-up version)	This will give effect to the New Zealand Coastal Policy Statement 2010 as required by section 75 of the RMA, in particular: Policies 13 and 25.
Policy 10.2.3.7	This will give effect to the New Zealand Coastal Policy Statement 2010 as required by section 75 of the RMA, in particular: Policies 13 and 25.
Rule 10.3.2.1 (Rule 10.3.2.A in the marked-up version)	This will give effect to the Operative Otago Regional Policy Statement as required by section 75 of the RMA, in particular: Objective 10.4.3 and Policy 10.5.2. This will give effect to the proposed Otago Regional Policy Statement, Council decision version dated 1 October 2016 as required by section 75 of the RMA, in particular: Objective 3.2 and Policy 3.2.2.
Rule 10.3.2.3 (Rule 10.3.2.4 in the marked-up version)	This will give effect to the Operative Otago Regional Policy Statement as required by section 75 of the RMA, in particular: Objective 10.4.1 and Policy 10.5.2. This will give effect to the proposed Otago Regional Policy Statement, Council decision version dated 1 October 2016 as required by section 75 of the RMA, in particular: Objective 3.1 and Policy 3.1.2.

7. I agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated the 31st of January 2019



Andy Roberts, Director Operations, Eastern South Island Region

Pursuant to delegated authority from the Director-General of Conservation³

Address for service of interested party:

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Planning, Permissions and Land

Department of Conservation

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Contact persons

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³ A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18-32 Manners Street, Wellington 6011
SAR-04-81-04 - Forest and Bird - proposed Dunedin City District Plan (2GP) - s274 joining notice template - DOC-5690946