

In the High Court of New Zealand  
Wellington Registry

I Te Kōti Matua O Aotearoa  
Te Whanganui-a-Tara Rohe

CIV 2023-485-323

**Under** the Judicial Review Procedure Act  
2016 and part 30 of the High Court  
Rules 2016

**In the matter of** an application for judicial review

**Between** **Royal Forest and Bird Protection  
Society of New Zealand Inc**  
Applicant

**And** **Minister for the Environment**  
Respondent

---

**REPLY TO STATEMENT OF DEFENCE**

---

Dated: 19 July 2023

---

**GILBERT  
WALKER**

**Solicitor acting:**  
Royal Forest & Bird Protection  
Society of New Zealand Inc  
PO Box 2516  
Christchurch 8140  
**P** +64 3 940 5524  
**E** p.anderson@forestandbird.org.nz  
Solicitor acting: Peter Anderson /  
May Downing

**Counsel acting:**  
M C Smith  
Gilbert Walker  
PO Box 1595  
Shortland Street  
Auckland 1140  
New Zealand  
**P** +64 9 374 1100  
**F** +64 9 374 1111  
**E** service@gilbertwalker.com

## REPLY TO STATEMENT OF DEFENCE

The applicant by its solicitor says in reply to the respondent's statement of defence dated 4 July 2023:

1. It is not required to reply to paragraphs 1-15.
2. In response to paragraph 16, it:
  - a. admits paragraph 16.1, but says further that loss and degradation of wetlands has continued since 2020;
  - b. admits paragraphs 16.2 and 16.3;
  - c. admits paragraph 16.4, but says further that the prescribed purposes were for purposes such as wetland restoration, scientific research and construction and maintenance of utility structures and specified infrastructure and did not include the purposes of quarrying, landfills, clean fills, managed fills, urban development, extraction of minerals, ski field infrastructure and water storage infrastructure, which were introduced by the December amendments;
  - d. has insufficient knowledge of and therefore denies paragraphs 16.5 to 16.7;
  - e. admits paragraph 16.8;
  - f. admits that the additional consent pathways are subject to specific gateway tests and that, among other things, the relevant council must be satisfied that the effects of the activity will be managed through applying the effects management hierarchy but otherwise denies paragraph 16.9;
  - g. admits paragraph 16.10, but says further that its primary submission was that the additional consent pathways should not be included.
3. It repeats paragraph 2.f above and otherwise denies paragraph 17.3. It is not required to reply to the balance of paragraph 17.
4. It admits paragraph 18.
5. It is not required to reply to paragraphs 19 to 25.
6. It admits paragraph 26.

7. It is not required to reply to paragraphs 27 to 31.
8. It admits paragraph 32.2. It is not required to reply to the balance of paragraph 32.
9. It is not required to reply to paragraphs 33 and 34.
10. In response to paragraph 35.3, it:
  - a. denies paragraph 35.3.1 and says that it requires further particulars of what the respondent understood the requirements of the Act to be;
  - b. admits paragraph 35.3.2; and
  - c. denies paragraph 35.3.3.

It is not required to reply to the balance of paragraphs 35.

11. In response to paragraph 36, it:
  - a. admits paragraph 36.1 and repeats paragraph 2.c above;
  - b. admits paragraphs 36.2 to 36.5 but denies, if it is alleged, that the result was to provide a high level of protection to wetlands in accordance with Policy 6 of the NPSFM.
12. It is not required to reply to paragraph 37.
13. It admits paragraph 38.
14. It is not required to reply to paragraph 39.
15. It admits the terms of the Summary of Submissions and the Policy Rationale but otherwise denies paragraph 40.
16. It admits that the respondent had regard to the Government's goals for renewable electricity generation, the Climate Change Commission's advice and New Zealand's targets under the Climate Change Response Act but otherwise denies paragraphs 41.1 and 41.2. It is not required to reply to the balance of paragraph 41.
17. It denies paragraph 42.4. It is not required to reply to the balance of paragraph 42.
18. It is not required to reply to paragraphs 43 to 47.