

**BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON**

**I TE KŌTI TAIAO O AOTEAROA  
TE WHANGANUI-A-TARA ROHE**

**ENV-2019-WGN-000122**

**IN THE MATTER OF**

the Resource Management Act 1991  
(*the Act*)

**AND**

**IN THE MATTER OF**

an appeal under clause 14 of  
schedule 1 to the Act in relation to  
the Proposed Natural Resources Plan  
for the Wellington region

**BETWEEN**

**WELLINGTON FISH AND GAME  
COUNCIL**

Appellant

**AND**

**WELLINGTON REGIONAL  
COUNCIL**

Respondent

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**NOTICE OF FIRE AND EMERGENCY NEW ZEALAND'S WISH TO BE PARTY  
TO PROCEEDINGS UNDER SECTION 274 OF THE ACT**

Dated: 9 October 2019

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**GREENWOOD ROCHE**  
LAWYERS  
CHRISTCHURCH  
Solicitor: M A Thomas / H G Marks  
([Monique@greenwoodroche.com](mailto:Monique@greenwoodroche.com) /  
[Hannah@greenwoodroche.com](mailto:Hannah@greenwoodroche.com))

Level 3, 1 Kettlewell Lane  
680-690 Colombo Street  
Christchurch 8011  
PO Box 139  
Christchurch 8140

**TO:** The Registrar  
Environment Court  
Wellington

- 1 Fire and Emergency New Zealand (*Fire and Emergency*) wishes to be a party to the appeal by Wellington Fish and Game Council (*Appellant*) against parts of the decision by Hearing Commissioners on behalf of the Greater Wellington Regional Council on the Proposed Natural Resources Plan (*the Plan*).
- 2 Fire and Emergency made a submission on the subject matter of the proceedings.
- 3 Fire and Emergency is not a trade competitor for the purposes of section 308C or 308CA of the Act.
- 4 Fire and Emergency is interested in all of the proceedings but in particular the appeal points in relation to Policy P111 – Water takes at minimum flows and water levels and Rule R42: Minor Discharges – permitted activity.
- 5 Fire and Emergency opposes the Appellant’s relief sought to:
  - (a) amend Policy P111 to provide for a two-tiered system so that water saving measures are undertaken before minimum flows are reached; and
  - (b) delete Rule R42.
- 6 The relief sought by the Appellant is opposed on the basis that:
  - (a) The relief sought will not give effect to section 14(3)(e) of the Act which allows the take, use, damming or diverting of water where:

*“The water is required to be taken or used for [emergency or training purposes in accordance with section 48 of the Fire and Emergency New Zealand Act 2017].”*
  - (b) The relief sought does not recognise that the take of water under section 14(3)(e) is not subject to limitations such as those applied to the take of water under section 14(3)(b) of the Act.

- (c) The relief sought will not achieve the purpose and principles of the Act as set out in Part 2.
- (d) Policy P111 and Rule R42 as set out in the decisions version of the Plan constitute the most appropriate way to give effect to the Act, including (but not limited to) Part 2, section 14 and sections 63 - 70.
- (e) The relief sought will not give effect to the National Policy Statement for Fresh Water Management 2014. In particular it will not give effect to the requirement in Policy CA2(f)(v) that in the development of freshwater objectives regional councils must *"at all relevant points in the process"* consider, inter alia:
- "any implications for resource users, people and communities arising from the freshwater objectives and associated limits including implications for actions, investments, ongoing management changes and any social, cultural or economic implications."*
- (f) The relief sought will not give effect to the Greater Wellington Regional Policy Statement, including but not limited to:
- (i) Objective 12, which seeks that:
- "The quantity and quality of fresh water:*
- (a) *meet the range of uses and values for which water is required;*
- (b) *safeguard the life supporting capacity of water bodies; and*
- (c) *meet the reasonably foreseeable needs of future generations."*; and
- (ii) Policy 17, which specifically recognises the requirement in section 14 of the Act to enable water to be taken for fire fighting purposes and requires regional plans to:
- "ensure the allocation and use of water from any river or groundwater source provides sufficiently for the health needs of people, including:*

- (a) *the taking of water by any statutory authority that has a duty for public water supply under any Act of Parliament;*
  - (b) *the taking of water for reticulation into a public water supply network; and*
  - (c) *the taking of water for community supplies."*
- (g) The relief sought will not give effect to the objectives of the plan, including inter alia:
- (i) Objective O2 which recognises "*the importance and contribution of air, land and water to the social, economic and cultural well-being of the community*" and seeks the management and allocation of those resources where applicable; and
  - (ii) Objective O6 which looks to provide "*sufficient fresh water of a suitable quality for*" the health needs of people.
- (h) The relief sought will not allow Fire and Emergency to carry out their statutory operational requirements during an emergency situation.
- (i) It is not clear what the relief sought in relation to Policy P111 specifically entails.
- 7 Fire and Emergency agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** this 9<sup>th</sup> day of October 2019



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**M A Thomas / H G Marks**  
**Counsel for Fire and Emergency**

**Address for Service:**

Greenwood Roche

Level 3

1 Kettlewell Lane

680-690 Colombo Street

Christchurch 8011

Phone: 03 353 0570

Contact person: Monique Thomas