

**BEFORE THE ENVIRONMENT COURT
AT WELLINGTON**

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

ENV-2019-WGN-000123

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 WATER LIMITED

Appellant

AND

**WELLINGTON REGIONAL
COUNCIL**

Respondent

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

Dated: 9 October 2019

GREENWOOD ROCHE
LAWYERS
CHRISTCHURCH
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TO: The Registrar
Environment Court
Wellington

- 1 Fire and Emergency New Zealand (*Fire and Emergency*) wishes to be a party to the appeal lodged by Wellington Water Limited (*Appellant*) against parts of the decision made 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 Rule R42: Minor discharges - permitted activity.
- 5 Fire and Emergency opposes all of the relief sought but in particular:
 - (a) the request by the Appellant to amend Rule R42 to include a condition that discharges shall be outside a community drinking water supply protection area and to incorporate any other best practice standards for the protection of drinking water supply.
- 6 Fire and Emergency opposes the relief sought 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 will not achieve the purpose and principles of the Act as set out in Part 2.
 - (c) Rule R42 as set out in the decisions version of the plan constitutes the most appropriate way to give effect to the Act,

including (but not limited to) Part 2, section 14 and sections 63 - 70.

(d) 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."*

(e) 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 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.
- (f) The relief sought will not allow Fire and Emergency to carry out their statutory operational requirements during an emergency situation.
- 7 Fire and Emergency agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 9th day of October 2019



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