

**BEFORE THE ENVIRONMENT COURT
AT WELLINGTON**

**I MUA I TE KOOTI TAIAO
TE WHANGANUI-A-TARA ROHE**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under Clause 14 of the First Schedule of
the Act in relation to the Wellington Natural
Resources Regional Plan

BETWEEN **WELLINGTON FISH & GAME COUNCIL**

Appellant

BETWEEN **THE APPELLANTS LISTED IN PARAGRAPH 1**

Appellants

AND **WELLINGTON REGIONAL COUNCIL**

Respondent

**SECTION 274 NOTICE BY THE ROYAL FOREST AND BIRD PROTECTION SOCIETY
OF NEW ZEALAND INCORPORATED**

9 October 2019

Royal Forest and Bird Protection Society of New Zealand Inc.
PO Box 2516
Christchurch 8140
Ph 03 9405524
p.anderson@forestandbird.org.nz
Solicitor acting: Peter Anderson

SECTION 274 NOTICE

TO: The Registrar
Environment Court
AUCKLAND

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird) wishes to be a party to the following appeals in respect of the Wellington Regional Council's decision on the proposed Wellington Regional Plan:

- a. Wellington Fish & Game Council;
- b. Beef and Lamb NZ Ltd;
- c. Carterton District Council;
- d. Castlepoint Resident Ratepayers Association;
- e. CentrePort Ltd;
- f. Federated Farmers of NZ Inc;
- g. First Gas NZ;
- h. Horticulture NZ;
- i. Hutt City Council;
- j. Land Matters;
- k. Masterton District Council;
- l. Meridian Energy Ltd;
- m. Department of Conservation;
- n. New Zealand Transport Agency;
- o. Porirua City Council;
- p. Transpower New Zealand;
- q. Winstone Aggregates;
- r. BP Oil NZ Ltd, Mobil Oil NZ Ltd & Z Energy Ltd;
- s. Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Incorporated Society;

- t. Surfbreak Protection Society Inc;
- u. Titahi Bay Residents Association ;
- v. Wairarapa Water Users Inc;
- w. Wellington City Council;
- x. Wellington International Airport; and
- y. Wellington Water Ltd.

2. Forest and Bird:

- a. made a submission and further submissions on the Wellington Natural Resources Regional Plan; and/or
- b. has an interest greater than the public generally as an incorporated society with a well known role in the protection of indigenous biodiversity (see *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [31]).

- 3. Forest and Bird is not a trade competitor for the purposes of section 308C or 308D of the Resource Management Act 1991.
- 4. Forest and Bird interest, position and reasons are set out in Table 1 below.
- 5. Forest and Bird agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 9 October 2019



Peter Anderson
Counsel for Royal Forest and Bird Protection Society of New Zealand Inc.

Address for service of person wishing to be a party:

Peter Anderson
Forest and Bird
PO Box 2516
Christchurch 8140
Ph. 03 9405524
p.anderson@forestandbird.org.nz

Table 1 – Details of section 274 party interest

Appellant	Provision	Oppose/ Support¹	reasons
Wellington Fish & Game Council	All parts of the appeal	Support	<p>The amendments sought give effect to the NPS FM, the RPS, the NZCPS, are needed to achieve the objectives of the Plan and to achieve the purpose of 2 of the Act.</p> <p>Forest & Bird is neutral regarding Schedule A. The proposed amendment is not opposed in substance but the relief sought does not fit within the plan structure (adding of a non-indigenous category within a table that has only indigenous criteria). Forest & Bird is interested in any consequential amendment.</p>
Beef and Lamb NZ	All parts of the appeal	Oppose	<p>The amendments sought:</p> <ul style="list-style-type: none"> • create uncertainty in the application of the plan; • do not apply a precautionary approach in the absence of information; and • do not give effect to the NPS FM.
Carterton District Council	Objective 48 and Rules 50 and 51	Oppose	The amendments sought do not give effect to the RPS.
Castlepoint Resident Ratepayers Association	All parts of the appeal	Oppose	The amendments sought do not give effect to the NZCPS or the RPS.
CentrePort Ltd.	All parts of the appeal, except P46, P47, P145, section 5.7.2, section 5.7.7, Schedule E2	Oppose	The amendments sought do not giving effect to the NZCPS.
Federated Farmers of NZ Inc.	All parts of the appeal	Oppose	Does not promote the purpose of the RMA

¹ Opposition or support is qualified by Forest & Bird's appeal and where there is an inconsistency between the Forest & Bird appeal and the opposition or support in the s 274 notices, the appeal prevails.

First Gas NZ	All parts of the appeal except relating to mana whenua (P45) and discharges to air (R34).	Oppose	Does not promote the purpose of the RMA
Horticulture NZ	The parts of the appeal relating to P90, P111 and P112 and Rule 94.	Oppose	The amendments sought do not give effect to the NPS FM or the RPS
Hutt City Council	The part of the appeal relating to the definition of Regionally Significant Infrastructure.	oppose	Council decision promoted the purpose of the RMA
Land Matters	All parts the appeal	Oppose	The amendments sought are uncertain and may not give effect to the NPS FM.
Masterton District Council	All parts except Objective O48, Policies P74 and P75, and Rules R50 and R51, Rule 36B, Rule R45, Rule R48A, Rule R112(h) and Schedule E5	Oppose	The amendments sought are uncertain and may not give effect to the RPS or NPSFM.
Meridian	All parts of the appeal	Oppose	The amendments sought do not give effect to the NPS FM or the NZCPS
Department of Conservation	All parts of the appeal	Support	The amendments sought provide for protection and maintenance of indigenous biodiversity, align with provisions of the plan (including as sought by Forest & Bird's appeal). The amendments sought give effect to the NPS FM, NZCPS and the RPS.
New Zealand Transport Agency	All parts of the appeal	Support the appeal on Rule R122 and oppose the balance	The amendment to Rule 122 clarifies the rule consistent with definition of river in the RMA The other parts of the appeal are opposed for reasons set out below Changes to the objectives: <ul style="list-style-type: none"> • does not promote the enhancement of ecosystem

			<p>health;</p> <ul style="list-style-type: none"> • are not consistent with protection to be provided for under s6(c); • reduces certainty of the outcomes sought for the CMA. <p>In relation to the policies:</p> <ul style="list-style-type: none"> • the minimising approach is not consistent with or confuses the approach to avoid, remedy and mitigate required by the RMA; • the terminology of “addressing effects” is uncertain where adverse effects are to be avoided; • do not give effect to with the NZCPS or RPS; • will not give effect to the NPSFM. • Create uncertainty in the application of the policies • Predetermines ‘appropriateness’ prior to consideration of effects. <p>The rules:</p> <ul style="list-style-type: none"> • are uncertain with respect to discharges from hazardous substances are storage. • Confuses the approach to discharges • Will not give effect to the NZCPS or the NPS FM <p>Schedule</p> <ul style="list-style-type: none"> • Deleting the schedule removes guidance on offsetting
Porirua District Council	All parts of the appeal	Oppose regarding definitions of RSI, upgrade, O13, O32, new Policy in 4.2, P7, P12, P34, P39, P40, P41A, P48,	<p>The amendments that are opposed do not give effect to the NZCPS, the NPSFM or the RPS.</p> <p>The amendments that are supported give effect to the NZCPS, the NPSFM or the RPS.</p>

		<p>5.5.2 Wetland General Conditions, R100, R104, R106, R107, R109-111, 5.5.4 General Conditions for the beds of lakes and rivers, R115, R116, Rules 127 -128 , new Rules 127A and 127B and before R129² and R120³, 5.7.2 Coastal management general conditions, R161- 162, new rule before R167</p> <p>Support definition of vegetation clearance, New policy after P3, P24, P138, Schedule F3 and F5</p>	<p>There are a number of provisions where the relief sought is not specified in detail in the appeal. For example, the appeal seeks to insert a definition of the term contaminant Forest & Bird is not in a position to support or oppose these appeal without further particulars as to the definition sought.</p>
Transpower NZ Ltd	All parts of the appeal	Oppose	<p>Inconsistent with the provisions of the RPS, does not give effect to the NZCPS or the NPS FM.</p> <p>The amendments sought extend beyond that required to give effect to the NPSET.</p>
Winstone Aggregates	All parts of the appeal	Oppose	<p>The amendment sought will not give effect to the NPSFM or provide for s6 of the RMA</p>

² Appeal point 50

³ Appeal point 51

BP Oil NZ Ltd, Mobil Oil NZ Ltd & Z Energy Ltd	The parts of the appeal relating to Rules R42,R49 and R55.	Oppose	The amendments sought will not give effect to the NPS FM or are uncertain.
Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Incorporated Society	All parts of the appeal	Support	The relief sought promotes the purpose of the RMA
South Wairarapa District Council	All parts except Objective O48, Policies P74 and P75, and Rules R50 and R51, Rule 36B, Rule 45, Rule 48A	Oppose	The amendments sought are uncertain and may not give effect to the RPS or NPSFM.
Surfbreak Protection Society Inc	All parts of the appeal	Support	Reinstatement of the provisions is appropriate to give effect to the NZCPS
Titahi Bay Residents Association	All parts of the appeal	Oppose	The amendments sought do not give effect to the NZCPS or the RPS.
Wairarapa Water Users	All parts of the appeal	oppose	Will not give effect to the NPS FM and does not promote the purpose of the Act
Wellington City Council	All parts of the appeal	Oppose	The amendment sought will not give effect to the NPSFM or provide for s6 of the RMA
Wellington international airport	All parts of the appeal	Oppose	The amendments sought are inconsistent with the purpose of the Act and will not give effect to the NZCPS, NPS FM or the RPS.
Wellington Water Ltd	All parts of the appeal	Support and Oppose	Support the appeal of O20 on the grounds that the objective is uncertain The balance of the appeal is opposed as the relief sought will not give effect to the NPS FM or the NZCPS and are not appropriate to achieve the purpose of the Act.
