

IN THE MATTER of the Resource Management Act 1991

AND of an appeal under Clause 14(1) of First Schedule to the Resource Management Act 1991

BETWEEN LAND MATTERS LIMITED
Appellant

AND GREATER WELLINGTON REGIONAL COUNCIL
Respondent

AND NEW ZEALAND TRANSPORT AGENCY
Interested Party

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS
Section 274 of the First Schedule Resource Management Act 1991

To:

the Registrar
Environment Court
Wellington

1. Land Matters Ltd ("Land Matters") wish to be a party to the following proceedings:
 - *ENV-2019-WLG-000131;*
 - *New Zealand Transport Authority v Greater Wellington Regional Council and the Proposed Natural Resources Plan*
2. We are —
 - *a person who has an interest in the proceedings that is greater than the interest that the general public has in that the subject matter in that the appellants notice of appeal could have an influence on the provisions of the Proposed District Plan that relate to land owned by the Interested Party.*
3. We are not a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource

Management Act 1991.

4. We are interested in part of the proceedings.

5. The part of the proceedings I am interested in is:

- *See attached Appendix A*

6. We are interested in the following particular issues:

- *See attached Appendix A*

7. We **oppose/support** the relief sought because—

- *See attached Appendix A*

8. We agree to participate in mediation or other alternative dispute resolution of the proceedings.



Signature of person
on behalf of Land Matters Ltd

8 October 2019
Date

Address for service of person wishing to be a party:
Telephone: 021 877 143
Fax/email: bryce@landmatters.nz
Contact person: Bryce Holmes

APPENDIX A			
Appellant: New Zealand Transport Agency			
Appeal points (the part of the appeal we are interested in)	Interested in the particular issues	We oppose/support the relief sought because	agree to participate in mediation or other adr
<p>Objective 28 <i>The extent <u>and significant values</u> of natural wetlands is maintained or increased, are protected, and their condition is restored. <u>Where the significant values relate to biodiversity, aquatic ecosystem health and mahinga kai, restoration is to a healthy functioning state as defined by Table 3.7.</u></i></p>	<p>Amending O28 so that it includes the words, “where degraded”.</p>	<p>Support in part because:</p> <ul style="list-style-type: none"> • There may be contextual matters that need to be taken into account which would make it unnecessary or inappropriate to protect and restore natural wetlands • It is inconsistent with Section 6 of the Act 	<p>Yes</p>
<p>Policy P40: Ecosystems and habitats with significant indigenous biodiversity values:</p> <p><i>Protect and restore the following ecosystems and habitats with significant indigenous biodiversity values:</i></p> <p><i>a) the rivers and lakes with significant indigenous ecosystems identified in Schedule F1 (rivers/lakes), and</i></p> <p><i>b) the habitats for indigenous birds identified in Schedule F2 (bird habitats), and</i></p> <p><i>c) significant natural wetlands, including the significant natural wetlands identified in Schedule F3 (<u>identified significant natural wetlands</u>), and</i></p> <p><i>d) the ecosystems and habitat-types with significant indigenous biodiversity values in the coastal marine area identified in Schedule F4 (coastal sites) and Schedule F5 (coastal habitats).</i></p> <p><u>Note All natural wetlands in the Wellington Region are considered to be significant natural wetlands as they meet at least two of the criteria listed in Policy 23 of the Regional Policy Statement 2013 for identifying indigenous ecosystems and habitats with significant indigenous biodiversity values; being representativeness and rarity.</u></p>	<p>Amend P40 although preference is for this policy to be deleted; or if not deleted then amending Policy 40 to remove advice note and to accommodate Appellants points to “protect from <u>inappropriate use and development</u> and restore <u>where degraded</u>, the following ...”</p>	<p>Support in part because:</p> <ul style="list-style-type: none"> • Restoration may not always be appropriate in the circumstances • While natural wetlands may meet one or more of the representative criteria listed in Policy 23 of the RPS (notably being less than 30% in the region according to the s.32 assessments), the wetland may not represent ‘significant’ or ‘high’ natural values. They may only contain ‘moderate’ or ‘low’ values overall; and the effects of any proposed activity may be temporary or less than minor (taking into account mitigation and remediation proposed), and in these circumstances protection and or restoration may not be appropriate. • Identification through mapping provides certainty. 	<p>Yes</p>

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<p><i>Policy 63: Improving water quality for contact recreation and Māori customary use:</i></p> <p><i>The <u>water</u> quality of <u>fresh</u> water bodies and coastal water identified as priorities for improvement for contact recreation and Māori customary use in Schedule H2 (priority water bodies) shall be improved to meet, over time and as a minimum, the objectives in Table 3.1, 3.2 and 3.3, including by:</i></p> <p><i>(a) improving water quality in all first priority <u>for improvement</u> water bodies for secondary contact with water <u>listed</u> in Schedule H2 (priority water bodies) in accordance with Method M27, and</i></p> <p><i>(b) Stormwater Management Strategies having particular regard to improving water quality in fresh water bodies and coastal water identified in Schedule H2 (priority water bodies) that are adversely affected by discharges from stormwater networks, and</i></p> <p><i>(eb) having particular regard to improving water quality in fresh water bodies and areas of coastal water identified in Schedule H2 (priority water bodies) that where <u>contact recreation and/or Māori customary use</u> are adversely affected by discharges from <u>stormwater from a port, airport or state highway</u>, wastewater networks or and wastewater treatment plants.</i></p> <p><i>Note <u>Whaitua committees will identify methods and timeframes to improve water quality in all first and second priority water bodies listed in Schedule H2 (priority water</u></i></p>	<p>Amend Policy 63; or</p> <p>Delete Policy 63 and provide two specific policies separating out managing water quality for contact recreation and for Maori customary use; or</p> <p>Retain the existing wording of the publicly notified version including the advice note.</p>	<p>Support in part because:</p> <ul style="list-style-type: none"> • The Whaitua process is the methodology that the Council has adopted through this process to determine how priorities for improvement for contact recreation and Maori customary use • The policy as currently worded conflates two potentially divergent objectives; • The policy worded as proposed by the Appellant enables “degraded water bodies” to be identified and then a process to be put in place that allows for those water bodies to be improved over time; 	<p>Yes</p>

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<p><i>bodies) within their whitua. These may be incorporated into the Plan by a future plan change or variation.</i></p> <p><i>Rule R107: Activities in natural wetlands and significant natural wetlands – discretionary activity</i></p> <p><i>The following activities in a natural wetland or significant natural wetland except for those stipulated in and carried out in accordance with a <u>wetland</u> restoration management plan under Rule R106:</i></p> <p><i>(a) the placement of new structures with a footprint of 10m2 or greater for the purpose of hunting and recreation (including maimai and jetties) and all other structures,</i></p> <p><i>(b) the discharge of water or contaminants not permitted by Rule R42,</i></p> <p><i>(c) the clearance of indigenous wetland vegetation, (excluding the removal of pest plants under Rule R105 and the removal of plants for Māori customary use or for the use of an individual under R105A),</i></p> <p><i>(d) activities not meeting the conditions of Rules R104, or R105 or R105A, including any associated: (e) disturbance of a river or lake bed, or foreshore or seabed that forms part of a significant natural wetland, and</i></p> <p><i>(f) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a significant natural wetland, and</i></p> <p><i>(g) damage to a part of the foreshore or seabed that forms part of a significant natural wetland, and</i></p> <p><i>(h) diversion of water, and</i></p> <p><i>(i) discharge of sediment to water</i></p>	<p>Amending Rule 107 to provide for regionally significant infrastructure;</p> <p>And</p> <p>Seek that this rule not apply to natural wetlands and only apply to significant natural wetlands, specifically identified in a schedule and/or on planning maps in the proposed plan.</p>	<p>Support in part because:</p> <ul style="list-style-type: none"> • The changes proposed by the appellant recognises that there will be unintended consequences if regionally significant infrastructure are not provided for as a discretionary activity and become a non-complying activity; • Similarly, there are other activities where they are appropriate for the location particularly where the natural wetland doesn't contain high natural values beyond the rarity value; • It is inconsistent with the intention of the RMA, Part II and the RPS; and • There is insufficient evidence that supports that all natural wetlands meet the rarity criteria as set out in Policy 23 of the RPS 	<p>yes</p>

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<p>are discretionary activities.</p> <p>Rule R108: Activities in natural wetlands and significant natural wetlands – non-complying activity The following activities, in a natural wetland or significant natural wetland except for those stipulated in and carried out in accordance with a <u>wetland</u> restoration management plan under Rule R106:</p> <p>(a) take, use, damming or diverting water into, within, or from the <u>significant natural wetland, or the take and use of water within 50m of the significant natural wetland,</u></p> <p>(b) land disturbance including excavation and deposition,</p> <p>(c) reclamation (including and drainage or diverting of water to an extent that the area affected ceases to have the characteristics of a significant natural wetland), including any associated:</p> <p>(d) disturbance of a river or lake bed, or foreshore or seabed that forms part of a <u>significant natural wetland, and</u></p> <p>(e) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a <u>significant natural wetland, and</u></p> <p>(f) damage to a part of the foreshore or seabed that forms part of a <u>significant natural wetland, and</u></p> <p>(g) diversion of water, and</p> <p>(h) discharge of sediment to water are non-complying activities.</p>	<p>Amend Rule 108 to exclude Regionally Significant Infrastructure;</p> <p>Also exclude natural wetlands by ensuring that the Proposed Plan identifies Significant Natural Wetlands and amending the definition of Significant Natural Wetlands.</p>	<p>Support in Part because:</p> <ul style="list-style-type: none"> We agree that there are significant consenting impediments presented by non-complying activity status and that this is not always appropriate when considered in context and particularly for highly degraded wetlands meeting the definition of a wetland; and where suitable mechanisms are proposed to avoid, remedy or mitigate (including off-setting) potential adverse effects on significant values; and There is insufficient evidence that supports that all natural wetlands meet the rarity criteria as set out in Policy 23 of the RPS 	Yes
<p>Rule R110:</p> <p>Activities in outstanding natural wetlands – non-complying activity</p>	<p>Amend Rule 110 to provide for some activities as a discretionary activity under Rule 109, including for regionally significant infrastructure.</p>	<p>Support in part because:</p> <ul style="list-style-type: none"> We agree that the consenting pathway needs to accurately reflect the higher 	Yes

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<p><i>The following activities, in an outstanding natural wetland identified in Schedule A3 (outstanding wetlands), except for those stipulated in and carried out in accordance with a <u>wetland restoration management plan under Rule R106</u>:</i></p> <p><i>(a) the discharge of water or contaminants,</i></p> <p><i>(b) take, use, damming or diverting water into, within, or from the wetland outstanding natural wetland, or the take and use of water within 50m of the outstanding natural wetland,</i></p> <p><i>(c) the placement of new structures with an area 10m² or greater for the purpose of hunting and recreation (including maimai and jetties), and all other structures,</i></p> <p><i>(d) land disturbance including excavation and deposition,</i></p> <p><i>(e) vegetation clearance, excluding the removal of pest plants under Rule R105,</i></p> <p><i>(f) other activities that are not discretionary under Rule R109 or prohibited by Rule R111 are non-complying activities.</i></p>	<p>And</p> <p>By amending the definition of outstanding natural wetlands to exclude natural wetlands and include only those that are shown in a schedule/planning maps</p>	<p>order objectives and policies of the NZCPS, the NPS-FW and the RPS and that the proposed wording does not currently achieve this;</p> <ul style="list-style-type: none"> • We agree that there are significant consenting impediments presented by non-complying activity status and that this is not always appropriate when considered in context and particularly for highly degraded wetlands meeting the definition of a wetland; and where suitable mechanisms are proposed to avoid, remedy or mitigate (including off-setting) potential adverse effects on significant values. • There is insufficient evidence that supports that all natural wetlands meet the rarity criteria as set out in Policy 23 of the RPS 	
<p>Rule R111:</p> <p><i>Reclamation or drainage of outstanding natural wetlands – prohibited activity</i></p> <p><i>Reclamation or drainage (including drainage or diverting of water to an extent that the area affected ceases to have the characteristics of a wetland) of all or part of an outstanding natural wetland identified in Schedule A3 (outstanding wetlands), except stipulated in and carried out in accordance with a <u>wetland restoration management plan under Rule</u></i></p>	<p>Amending Rule 111 to exclude activities carried out in accordance with a wetland restoration management plan under Rule 106 from this rule.</p> <p>And</p> <p>We would seek that this rule would not apply to any natural wetlands that only meet the criteria of ‘rarity’ but fit no other criteria; and</p>	<p>Support in part because:</p> <ul style="list-style-type: none"> • The threshold for prohibited activities should be limited to known significant adverse effects on sites with well documented outstanding natural values; • There will be many natural wetlands where it will not be appropriate to prohibit drainage or reclamation 	Yes

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<i>R106, is a prohibited activity.</i>	This rule should only apply to outstanding natural wetlands where they have been identified in a schedule/planning map as meeting more than just the rarity criteria set out in Policy 23 of the RPS.	<p>activities. Highly degraded wetlands meeting the definition of a wetland may have moderate to low natural values; and when considered in conjunction with suitable mechanisms to avoid, remedy or mitigate (including off-setting) potential adverse effects the activity may be appropriate;</p> <ul style="list-style-type: none"> • There is insufficient evidence that supports that all natural wetlands meet the rarity criteria as set out in Policy 23 of the RPS 	