

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 WELLINGTON INTERNATIONAL AIRPORT
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-000117;*
 - *Wellington International Airport 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: Wellington International Airport

Appeal points (the part of the appeal we are interested in)	Interested in the particular issues	We oppose/support the relief because	We agree to participate in mediation or other ADR
<p>Objective 17</p> <p><i>“The natural character of the coastal marine area, natural wetlands, and rivers, lakes and their margins and natural wetlands is preserved and protected from inappropriate use and development.”</i></p>	<p>Delete O17 or inserting new objectives O17A, O17B and O17C as set out below:</p> <p>Objective 17A Avoid adverse effects of activities on natural character in areas of the coastal environment, in rivers, lakes and their margins and in natural wetlands with outstanding natural character.</p> <p>Objective 17B Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment and in rivers, lakes and their margins and in natural wetlands.</p> <p>Objective 17C Areas of the coastal environment and rivers, lakes and their margins, and natural wetlands with high natural character (including areas which are outstanding) are shown on the planning maps.</p> <p>We would also support the mapping areas of high natural character</p>	<p>Support because:</p> <ul style="list-style-type: none"> • The changes proposed by the Appellants allows for some activities in areas of natural character where significant adverse effects are avoided where there is <i>outstanding natural character</i>; and avoidance, remedy or mitigation of adverse effects in areas of <i>natural character</i>. • The proposed objective is inconsistent with the Regional Policy Statement, which seeks to provide for “reasonable use”, by providing for existing uses and activities that are not inappropriate; and seeks to protect areas with high natural character. • The proposed objective is inconsistent with Section 6(a) of the RMA which seeks the <i>preservation</i> of 	<p>Yes</p>

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		<p>natural character of the coastal environment, wetlands, lakes, rivers and their margins; and <i>protection</i> of them from inappropriate subdivision, use and development.</p> <ul style="list-style-type: none"> • The proposed objective is inconsistent with the PNRP’s own policy 24 which provides for an effects based hierarchy to be applied to areas that are not identified as having outstanding natural character • Mapping provides certainty. It should be consistent with the areas identified in District Plans or Proposed District Plans. Mapping these features is listed in the Plan under Method 24A for inclusion in the plan. 	
Objective 31:	Amend Objective O31 as follows:	<p>Support because:</p> <ul style="list-style-type: none"> • Section 6(b) which sets 	Yes

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<p><u>Outstanding water bodies and their significant values are protected and restored. Where the significant values relate to biodiversity, aquatic ecosystem health and mahinga kai, restoration is to a healthy functioning state as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8.</u></p>	<p><u>“Outstanding water bodies and their significant values identified in Schedule A to this Plan are protected and restored from inappropriate use and development. Where the significant values relate to biodiversity, aquatic ecosystems health and mahinga kai, restoration is to a healthy functioning state as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8.”</u></p> <p>We support mapping and/or scheduling these sites of outstanding waterbodies, and in particular in relation to wetlands</p>	<p>the standard at ‘protection,’ is very high and therefore is necessary that these areas accurately defined so as to ensure their protection and so that outside these areas, an assessment can be made where protection or restoration may not be the preferred outcome; and</p> <ul style="list-style-type: none"> • The changes provides certainty. 	
<p>Objective O35 <u>Ecosystems and habitats with significant indigenous biodiversity values are protected, and where appropriate restored to a healthy functioning state as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8.</u></p>	<p>Amend Objective O35 to to provide for an effects based assessment: as follows:</p> <p><u>Adverse effects on ecosystems and habitats with significant indigenous biodiversity values are protected and where appropriate restored avoided, remedied or mitigated to a healthy functioning state as defined by Tables 3.4, 3.5, 3.6, 3.7 and 3.8.</u></p>	<p>Support in part because:</p> <ul style="list-style-type: none"> • We support an effects-based approach; and • The proposed changes are more consistent with the RPS 	Yes
<p><i>Policy P7: Uses of land and water [to be deleted]</i></p> <p><i>The cultural, social and economic benefits of using land and water for:</i> <i>(a) aquaculture, and</i> <i>(b) treatment, dilution and disposal of wastewater and stormwater, and</i> <i>(c) industrial processes and commercial uses associated with the potable</i></p>	<p>Retain Policy 7 and amend as follows:</p> <p><i>Policy P7: Uses of land and water</i></p> <p><i>The cultural, social and economic benefits of using land and water for:</i> <i>(a) aquaculture, and</i></p>	<p>Support in part because</p> <ul style="list-style-type: none"> • The changes gives effect to Part II of the Act by recognising the social and economic benefits that arise from 	Yes

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<p><i>water supply network, and</i> <i>(d) community and domestic water supply, and</i> <i>(e) electricity generation, and</i> <i>(f) food production and harvesting, and</i> <i>(g) gravel extraction from rivers for flood protection and control purposes, and</i> <i>(h) irrigation and stock water, and</i> <i>(i) firefighting, and</i> <i>(j) contact recreation and Māori customary use, and</i> <i>(k) transport along, and access to, water bodies shall be recognised.</i></p>	<p><i>(b) treatment, dilution and disposal of wastewater and stormwater, and</i> <i>(c) industrial processes and commercial uses associated with the potable water supply network, and</i> <i>(d) community and domestic water supply, and</i> <i>(e) electricity generation, and</i> <i>(f) food production and harvesting, and</i> <i>(g) gravel extraction from rivers for flood protection and control purposes, and</i> <i>(h) irrigation and stock water, and (</i> <i>i) firefighting, and</i> <i>(j) contact recreation and Maori customary use,</i> <i>(k) transport along, and access to, water bodies, and</i> <u><i>(i) Regionally Significant Infrastructure. shall be recognised</i></u></p>	<p>certain uses of land and water resources</p>	
<p>Policy P31:</p> <p>Policy P31: <u>Biodiversity, Aaquatic ecosystem health and mahinga kai Biodiversity, Aaquatic ecosystem health and mahinga kai shall be maintained or restored by managing the effects of use and development on physical, chemical and biological processes to:</u></p> <p>Hydrology <i>(a) minimise adverse effects on maintain or restore natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and natural wetlands, and</i></p> <p>Water quality <u><i>(b) maintain or improve water quality to meet the objectives in Tables 3.4, 3.5, 3.6, 3.7 and 3.8 of Objective O25, and</i></u></p>	<p>Amending Policy 31 to provide for managing effects while also providing for mitigation and offsetting as follows:</p> <p>Policy 31 <i>Manage the effects of use and development in order to maintain and where appropriate restore biodiversity values, aquatic ecosystem health and mahinga kai resources. In doing so have regard to the effects of use and development on the following matters:</i></p> <p><i>(a) natural flow characteristics and hydrodynamic processes, and the natural pattern and range of water level fluctuations in rivers, lakes and natural wetlands;</i></p>	<p>Support because:</p> <ul style="list-style-type: none"> • It enables a more flexible approach to managing biodiversity values taking into account a full range of options including avoidance, remedies, mitigation including off-setting • We would look for a further change so that it reads, "managing the <u>adverse effects of use</u> 	<p>Yes</p>

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<p><u>Aquatic habitat diversity and quality</u> (bc) minimise adverse effects on <u>maintain or restore aquatic habitat diversity and quality, including the form, frequency and pattern of pools, runs, and riffles in rivers, and the natural form of rivers, lakes, natural wetlands and the coastal habitats marine area, and</u></p> <p><u>(d) restore the connections between fragmented aquatic habitats, and Critical habitat for indigenous aquatic species and indigenous birds</u></p> <p>(ee) minimise adverse effects on <u>maintain or restore habitats that are important to the life cycle and survival of indigenous aquatic species and the habitats of indigenous birds in the coastal marine area, natural wetlands and the beds of lakes and rivers and their margins that are used for breeding, roosting, feeding, and migration, and Critical life cycle periods</u></p> <p>(ef) minimise adverse effects on <u>aquatic species at times which will most affect the breeding, spawning, and dispersal or migration of those aquatic species, including timing the activity, or the adverse effects of the activity, to avoid times of the year when adverse effects may be more significant, and</u></p> <p><u>Riparian habitats</u> (fg) minimise adverse effects on <u>maintain or restore riparian habitats and restore them where practicable, and</u></p> <p><u>Pests</u> (gh) avoid the introduction, and restrict the spread, of aquatic pest plants and animals.</p>	<p>(b) water quality;</p> <p>(c) aquatic habitat diversity and quality, including the form, frequency and pattern of pools, runs and riffles in rivers, and the natural form of rivers, lakes, natural wetlands and the coastal marine area;</p> <p>(d) habitats that are important to the life cycle and survival of indigenous aquatic species and the habitats of indigenous birds in the coastal marine area, wetland and beds of lakes and rivers and their margins used for breeding, roosting, feeding and migration;</p> <p>(e) breeding, spawning and dispersal or migration of aquatic species, including fish and koura, and indigenous birds;</p> <p>(f) migration and movement of indigenous aquatic species and trout;</p> <p>(g) riparian habitats;</p> <p>(h) avoiding the introduction and restrict the spread of aquatic pest plants and animals.</p>	<p>and development....”</p>	
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<p>Policy P40: <i>Ecosystems and habitats with significant indigenous biodiversity values. Protect and restore the following ecosystems and habitats with significant indigenous biodiversity values:</i> <i>a) the rivers and lakes with significant indigenous ecosystems identified in Schedule F1 (rivers/lakes), and</i> <i>b) the habitats for indigenous birds identified in Schedule F2 (bird habitats), and</i> <i>c) significant natural wetlands, including the significant natural wetlands identified in Schedule F3 (<u>identified significant natural wetlands</u>), and</i> <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>Delete policy 40; or if not deleted then amend to remove advice note</p>	<p>Support in part because:</p> <ul style="list-style-type: none"> Restoration may not always be appropriate in the circumstances 	<p>Yes</p>
<p>Policy P41: <i>Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values In order to protect the ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40, in the first instance activities <u>that risk causing adverse effects on the values of a significant site, other than activities carried out in accordance with a restoration management plan, shall avoid these ecosystems and habitats If the ecosystem or habitat cannot be avoided, (except for those ecosystems and habitats identified in Policy P40 (b), (c)</u></i></p>	<p>Delete Policy 41</p>	<p>Support in part because:</p> <ul style="list-style-type: none"> The policy should focus on achieving outcomes whereby significant adverse effects are avoided, remedied or mitigated. The proposed approach is consistent with the 	<p>Yes</p>

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<p><i>and (d) that are identified and managed by Policy P39A(a)), the adverse effects of activities shall be managed by:</i></p> <p><i>a) avoiding more than minor adverse effects, and</i></p> <p><i>b) where more than minor adverse effects cannot be avoided, <u>minimising</u> remedying them, and</i></p> <p><i>c) where more than minor adverse effects cannot be <u>avoided and/or minimised, they are remedied, mitigating them, and</u></i></p> <p><i>d) where residual adverse effects remain it is appropriate to consider the use of biodiversity offsets may be proposed or agreed by the applicant. Proposals for biodiversity mitigation and biodiversity offsetting will be assessed against the principles listed in Schedule G1 (biodiversity mitigation) and Schedule G2 (biodiversity offsetting).</i></p> <p><i>A precautionary approach shall be used when assessing the potential for adverse effects on ecosystems and habitats with significant indigenous biodiversity values. Where more than minor adverse effects on ecosystems and habitats with significant indigenous biodiversity values identified in Policy P40 cannot be avoided, remedied, mitigated or redressed through biodiversity offsets, the activity is inappropriate.</i></p>		<p>NZCPS and the RPS</p>	