

BEFORE THE ENVIRONMENT COURT

ENV-2019-WLN-000132

AT WELLINGTON

I MUA I TE KOOTI TAIAO

O AOTEAROA

IN THE MATTER

of an appeal under clause 14
of Schedule 1 of the Resource
Management Act 1991

BETWEEN

First Gas Limited

Appellant

AND

**Wellington Regional
Council**

Respondent

**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS BY THE
MINISTER OF CONSERVATION**

Dated: 9 October 2019

Department of Conservation
Solicitor acting: K Anton/M Downing
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Notice of person's wish to be a party to proceedings

Section 274 Resource Management Act 1991

To: The Registrar
Environment Court
WELLINGTON

1. The **Minister of Conservation** (the **Minister**) wishes to be a party to the following proceedings:
 - 1.1. First Gas Limited v Wellington Regional Council, ENV-2019-WLN-000132.
2. The Minister made submissions and appeared at the Council hearing on the proposed Natural Resources Plan for the Wellington Region (proposed Plan). The Minister also has an interest greater than the interest the general public has, specifically regarding conservation values and the implementation of the New Zealand Coastal Policy Statement.
3. The Minister is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (RMA).
4. The Minister is interested in part of the proceedings.
5. The Minister is interested in the following particular issues:
 - 5.1. Deletion of policy P4 – minimising adverse effects;
 - 5.2. Policy P39 – adverse effects on outstanding waterbodies;
 - 5.3. Rule 107 – activities in significant natural wetlands – discretionary activity.
6. The Minister opposes the relief sought because:

- 6.1. Deletion of policy P4 – minimising adverse effects: if policies and objectives in the proposed Plan continue to refer to a requirement to ‘minimise’ adverse effects, then it is helpful to have a definition.
 - 6.2. Policy P39 – requires adverse effects of use and development on outstanding waterbodies identified in Schedule A to be avoided. The appellant seeks to qualify ‘use and development’ with the term ‘inappropriate’. Schedule A outstanding waterbodies contain significant indigenous vegetation and significant habitats of indigenous fauna. Section 6(c) of the Resource Management Act 1991 requires those values to be protected in their own right, not from ‘inappropriate’ use and development.
 - 6.3. Rule 107 – activities in significant natural wetlands – discretionary activity – the appellant seeks that the ‘operation, maintenance, replacement, upgrade and development of regionally significant infrastructure’ is provided for as a discretionary activity. However, ‘use, maintenance, repair, addition alteration or replacement (like for like) of existing lawfully established regionally significant infrastructure’ is already provided for as a permitted activity under R104. ‘Upgrade and development’ is most appropriately provided for as a non-complying activity in significant wetlands in order to be consistent with the purpose of the Act, the New Zealand Coastal Policy Statement and the National Policy Statement for Freshwater Management.
 - 6.4. The amendments sought do not give effect to higher order policy direction including the National Policy Statement for Freshwater Management 2014, do not provide for matters of national importance listed in section 6 of the RMA, and do not promote the sustainable management of natural and physical resources.
 - 6.5. Such other grounds as may be raised in submissions.
7. The Minister agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Katherine Anton/May Downing
Solicitor for the Minister of Conservation

9 October 2019

Address for service of person wishing to be a party:

Minister of Conservation

Department of Conservation
18 Manners Street, Wellington 6011

Contact persons

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Advice

If you have any questions about this notice, please contact the Environment Court in Auckland, Wellington, or Christchurch.