

BEFORE THE ENVIRONMENT COURT
AT WELLINGTON

ENV-2019-WLG-000103

I MUA I TE KOOTI TAIAO O AOTEAROA
TE WHANGANUI-A-TARA

IN THE MATTER of the Resource Management Act 1991 (“**the Act**”)

A N D

IN THE MATTER of an appeal under Clause 14(1) of the First Schedule of the Act in relation to the proposed Natural Resource Plan for the Greater Wellington Region.

BETWEEN **HORTICULTURE NEW ZEALAND**

Appellants

A N D **GREATER WELLINGTON REGIONAL COUNCIL**

Respondent

**NOTICE OF INTENTION TO APPEAR
BY RANGITĀNE TŪ MAI RĀ TRUST AND RANGITĀNE O WAIRARAPA
INCORPORATED SOCIETY
Dated 9 October 2019**

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To the Registrar, Environment Court Wellington

This notice, notifies you that:

1. Pursuant to section 274 of the RMA, Rangitāne Tū Mai Rā Trust and Rangitāne o Wairarapa Incorporated Society (“Rangitāne”) file this Notice of Intention to Appear on the appeal by Horticulture New Zealand (“the Appeal”).
2. Rangitāne oppose the Appeal in part.

Grounds to be a section 274 Party

3. The Appeal relates to various decisions on the provisions of the Greater Wellington Regional Council Proposed Natural Resource Plan (“the Decision”), that Rangitāne submitted on or have also appealed.
4. Rangitāne:
 - (a) Are the representative groups for the iwi of Rangitāne who have Mana Whenua in the Greater Wellington area;
 - (b) Are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991;
 - (c) Made submissions on the proposed natural resource plan;
 - (d) Are interested in all of the matters raised in the appeal;
 - (e) Are an iwi that has an interest in the Decision that is greater than the interest that the general public has given their cultural and spiritual relationships within the Greater Wellington area; and
 - (f) Filed an appeal against the decision on 18 September 2019.
5. Specifically, Rangitāne are interested in the following appeal points and the relief now sought as it differs from the submissions made by Rangitāne and parts of their appeal:

- (a) Policy P14: Incompatible activities adjacent to regionally significant infrastructure, renewable electricity generation activities and significant mineral resources;
 - (i) Rangitāne oppose the relief sought by the appellant to reinstate reference to 'new' in Policy P14.

- (b) Policy P55: Managing air amenity;
 - (i) Rangitāne oppose the relief sought by the appellant to amend Policy P55 to recognise that receiving environments across the region differ or insert a new policy to this effect.

- (c) Policy P90: Discharges of hazardous substances;
 - (i) Rangitāne oppose the relief sought by the appellant to amend Policy P90 to include the wording “avoided, remedied or mitigated using good management practice” or amend Policy P90 so that significant adverse effects are avoided.

- (d) Policy P111: Water takes at minimum flows and minimum water levels;
 - (i) Rangitāne oppose the relief sought by the appellant to remove reference to “for the replacement of an **existing resource consent**” from Policy P111(iv).

- (e) Policy P112: Priorities in drought and serious water shortage;
 - (i) Rangitāne oppose the relief sought by the appellant amend Policy P112 to reinstate the reference to rootstock protection.

- (f) Rule R1: Outdoor burning - permitted activity;
 - (i) Rangitāne oppose the relief sought by the appellant to amend Rules R1(a), R2(a) and General conditions for the discharge of agrichemicals (a) as follows:

All reasonable steps are taken to minimise the potential for the discharge to ~~shall not~~ cause noxious, dangerous, offensive or objectionable odour, dust, particulate, smoke, vapours, droplets or ash beyond the boundary of the **property**.

- (g) Rule R36B: Motorised and aerial discharge of agrichemicals - permitted activity.
- (i) Rangitāne oppose the relief sought by the appellant to remove reference to “into water, or” within Rule R36B(b) or reinstate Rule R37 Agrichemicals into surface water.
- (ii) Rangitāne oppose the relief sought by the appellant to reinstate GROWSAFE requirements as additional clauses in Rule R36B.
- (iii) Rangitāne oppose the relief sought by the appellant to amend the note ‘A spray plan is prepared in accordance with NZS 8409: 2004 Management of Agrichemicals (section 5.3, and Appendix M4)’, so that it is a condition of the rule.

Conclusion

6. Rangitāne agree to participate in mediation or other alternative dispute resolution of the proceedings and will abide by any further directions of the Court.

Dated: 9 October 2019



Aidan Warren/Kuru Ketu
Counsel for the Appellants

This document is filed by Aidan Warren of McCaw Lewis Lawyers. The address for service for Rangitāne is at the offices of McCaw Lewis Lawyers, Level 6, 586 Victoria Street, Hamilton 3240.

Documents for service may be left at the address for service, or may be:

- (a) Posted to Aidan Warren at PO Box 9348, Hamilton 3240; or

(b) Emailed to Aidan Warren at aidan.warren@mccawlewis.co.nz and kuru.ketu@mccawlewis.co.nz.