

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 THE ROYAL FOREST AND BIRD PROTECTION SOCIETY OF NEW ZEALAND
Appellant

AND GREATER WELLINGTON REGIONAL COUNCIL
Respondent

AND LAND MATTERS
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-000130;*
 - *The Royal Forest and Bird Protection Society of New Zealand 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: The Royal Forest and Bird Protection Society of New Zealand			
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>Policy P30: Natural buffers</p> <p><u>Provide for the restoration or enhancement of The adverse effects of use and development on natural features such as beaches, dunes or wetlands that buffer development from natural hazards shall be and ensure the adverse effects of use and development on them are minimised.</u></p>	<p>Delete the reference to minimising adverse effects</p>	<p>We oppose the relief sought because:</p> <ul style="list-style-type: none"> • The wording as proposed in the Decisions Version allows for an effects based assessment to take place that would consider the extent of adverse effects and how to minimise those effects if necessary; and • It may not always be necessary to restore or enhance natural features such as beaches, dunes or wetlands to buffer development from natural hazards where other mitigation is in place that achieves the same outcome; and • This types of works should be determined having undertaken a risk-based assessment on the hazard. 	<p>Yes</p>
<p>Policy P31:</p> <p><i>Policy P31: <u>Biodiversity, Aaquatic ecosystem health and mahinga kai</u></i></p> <p><i><u>Biodiversity, Aaquatic ecosystem health and mahinga kai shall be</u></i></p>	<p>Amend Policy 31(b) so that it is consistent with Objective O25 (as amended)</p> <p>Add a new heading “wetlands”</p>	<p>We oppose in part the relief sought as follows:</p> <ul style="list-style-type: none"> • Wetlands are already provided for under each of the headings in the policy 	<p>Yes</p>

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<p><i>maintained or restored by managing the effects of use and development on physical, chemical and biological processes to:</i></p> <p>Hydrology <i>(a) minimise adverse effects on <u>maintain or restore</u> 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 <i>(b) <u>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</u></i></p> <p>Aquatic habitat diversity and quality <i>(bc) minimise adverse effects on <u>maintain or restore</u> 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 <u>marine area</u>, and</i></p> <p><i>(d) <u>restore the connections between fragmented aquatic habitats, and</u></i></p> <p><i><u>Critical habitat for indigenous aquatic species and indigenous birds</u></i></p> <p><i>(ee) minimise adverse effects on <u>maintain or restore</u> habitats that are important to the life cycle and survival of indigenous aquatic species <u>and the habitats of indigenous birds in the coastal marine area, natural wetlands and the beds of lakes and rivers and their</u></i></p>	<p>and</p> <p>a new sub policy “avoid the loss or degradation of any natural wetland”</p> <p>Replace “maintain” in P31(f) with “avoid,remedy or mitigate”</p>	<p>We support in part the relief sought as follows:</p> <ul style="list-style-type: none"> The request to replace “maintain in P31(f) [note: should be P31(g)] with the words, “avoid, remedy or mitigate” as it may not always be possible or necessary or appropriate to <u>restore</u> riparian habitats. The terms avoid, remedy or mitigate provide for an assessment of the circumstances to take place and allow for other mitigation, not necessarily the reinstatement of riparian margins. 	

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<p><u>argins that are used for breeding, roosting, feeding, and migration, and Critical life cycle periods</u></p> <p><i>(df) minimise adverse effects <u>on aquatic species</u> at times which will most affect the breeding, spawning, and dispersal or migration of <u>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></i></p> <p><u>Riparian habitats</u></p> <p><i>(fg) minimise adverse effects on <u>maintain or restore riparian habitats and restore them where practicable, and</u></i></p> <p><u>Pests</u></p> <p><i>(gh) avoid the introduction, and restrict the spread, of aquatic pest plants and animals.</i></p>			
<p>Policy P37: Values of wetlands</p> <p><i>Activities in and adjacent to natural wetlands shall be managed to maintain and, <u>where appropriate, restore their condition</u> and their values including: (</i></p> <p><i>a) as habitat for indigenous flora and fauna, and</i></p> <p><i>(b) for their significance to mana whenua, and</i></p> <p><i>(c) for their role in the hydrological cycle including flood protection, and</i></p> <p><i>(d) for nutrient attenuation and <u>sediment trapping</u>, and</i></p> <p><i>(e) as a fisheries resource, and</i></p>	<p>Replace with “avoid the loss or degradation of any natural wetland”</p>	<p>We oppose the relief sought because:</p> <ul style="list-style-type: none"> • It is not clear which part of the policy is to be replaced with the proposed wording; • Section 6 of the Act requires protection of wetlands from inappropriate subdivision, use or development and the proposed changes go beyond what is anticipated in the Act; and 	<p>Yes</p>

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<i>(f) for recreation, and (g) for education and scientific research.</i>		<ul style="list-style-type: none"> Not all wetlands would meet the definition of requiring protection under Section 6 of the Act 	
<p>Policy 102: Reclamation or drainage of the beds of lakes and rivers</p> <p><i>The reclamation or drainage of the beds of lakes and rivers and natural wetlands shall be avoided, in particular those identified in Schedules A (outstanding water bodies) and C (mana whenua), except where the reclamation or drainage is:</i></p> <p><i>(a) partial reclamation of a river bank for the purposes of flood prevention or erosion control,</i></p> <p><i>or (b) associated with a qualifying development within a special housing area, or</i></p> <p><i>(eb) associated with a growth and/or development framework or strategy approved by a local authority under the Local Government Act 2002, or</i></p> <p><i>(dc) necessary to enable the development, operation, maintenance and upgrade of regionally significant infrastructure, or</i></p> <p><i>(ed) associated with the creation of a new river bed and does not involve piping of the river, and</i></p> <p><i>(e) for the purpose of forming a reasonable crossing point, and</i></p> <p><i>(f) in respect of (a) to (e) there are no other practicable alternative methods of providing for the activity, or</i></p>	<p>Replace with:</p> <p>“The extent and ecosystem health of rivers and streams in the region, and their associated freshwater ecosystems, are at least maintained including by ensuring:</p> <p>(a) There is no net loss in the extent or ecosystem health of a stream associated with permanently diverting a stream or culverting a stream;</p> <p>(b) The infilling of river or stream beds is avoided, unless there are no other practicable alternative methods of providing for the activity, and it is part of an activity:</p> <p>(i) designed to restore or enhance the natural values of the stream or of any adjacent or associated ecosystem; or</p> <p>(ii) necessary to enable the development, operation, maintenance and upgrade of nationally significant infrastructure; or</p> <p>(iii) required for the purposes of flood prevention or erosion control.”</p>	<p>Support in part because:</p> <ul style="list-style-type: none"> The proposed wording provides a pragmatic response to providing for people and communities through allowing for appropriate activities and managing effects associated with those activities; and Reclamation may be appropriate in some water bodies, where the adverse effects can be appropriately mitigated (included through off-setting) 	Yes

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<p><i>(g) the reclamation or drainage is of an ephemeral flow path.</i></p> <p><i>For the purpose of this policy the piping or covering of a stream for a distance greater than that required to form a reasonable crossing point is considered to be reclamation of the river bed.</i></p>			
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