

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 FISH AND GAME COUNCIL
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-000122;*
 - *Wellington Fish and Game Council 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.

A handwritten signature in blue ink, appearing to be 'B. Holmes', is written on a light blue background.

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 Fish and Game Council			
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 O24</p> <p><i>Rivers, lakes, natural wetlands and coastal water are suitable for contact recreation and Māori customary use, including by:</i></p> <p><i>(a) maintaining water quality, or</i></p> <p><i>(b) improving water quality in:</i></p> <p><i>(i) significant contact recreation fresh water bodies and sites with significant mana whenua values and Ngā Taonga Nui a Kiwa to meet, as a minimum, the primary contact recreation objectives in Table 3.1, and (ii) coastal water and sites with significant mana whenua values and Ngā Taonga Nui a Kiwa to meet, as a minimum, the primary contact recreation objectives in Table 3.3, and</i></p> <p><i>(iii) all other rivers and lakes and natural wetlands to meet, as a minimum, the secondary contact recreation objectives in Table 3.2.</i></p>	<p>Amending O24 so that the objectives in Tables 3.1 and 3.2 are stated in numeric as well as narrative terms</p>	<p>We support in part the outcomes because:</p> <ul style="list-style-type: none"> Where the provisions provide more certainty through the translating <u>all</u> narrative and/or external references in Tables 3.1 and 3.2 into appropriate interpretive objectives in those tables. 	<p>Yes</p>
<p>Amend Objective 28</p> <p><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>Split the objective into two separate Objectives as follows:</p> <p>O28 “The significant values of natural wetlands are protected. 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.”</p> <p>And: O28A “The extent of natural wetlands is maintained and</p>	<p>Support in part because</p> <ul style="list-style-type: none"> Provided new O28A references significant natural wetlands. 	<p>Yes</p>

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	increased, and their condition is restored”		
<p><i>Rule R104: Structures in natural wetlands and significant natural wetlands – permitted activity <u>In a significant natural wetland:</u></i></p> <p><i>(a) The <u>use, maintenance, repair, addition, alteration, or replacement (like for like) of an existing lawfully established structure or existing lawfully established regionally significant infrastructure, including associated vegetation removal, and</u></i></p> <p><i>(b) the placement of a new structure of an area less than 10m² for the purpose of hunting and recreation (including maimai and jetties), and</i></p> <p><i>(c) the removal of an existing structure, <u>in a natural wetland or significant natural wetland, including any associated:</u></i></p> <p><i>(d) disturbance of a river or lake bed, or foreshore or seabed that forms part of a <u>significant natural wetland, and</u></i></p> <p><i>(b)(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></i></p> <p><i>(c)(f) damage to a part of the foreshore or seabed that forms part of a <u>significant natural wetland, and</u></i></p>	Reinstate the reference to ‘natural wetlands’ in Rules	Oppose the relief sought because: <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; and 	Yes

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<p>(d)(g) diversion of water, and</p> <p>(e)(h) discharge of sediment to water is a permitted activity, provided the following conditions are met:</p> <p>(f)(i) only hand-held machinery is used in any area of the <u>significant</u> natural wetland, and</p> <p><u>(j) any new structure is not located within a site identified in Schedule C (mana whenua), and</u></p> <p><u>(k) any alteration or addition to an existing structure does not increase the size of the structure so that it occupies an area greater than 10m², and</u></p> <p>(g)(l) the activity shall comply with the wetland general conditions for activities in natural wetlands, significant natural wetlands and outstanding natural wetlands specified above in Section 5.5.2.</p>			
<p>Rule R105: Planting and pest plant control in natural wetlands, significant natural wetlands and outstanding natural wetlands – permitted activity</p> <p>The deliberate introduction or planting of a plant, and the removal or control of pest plants in the bed of a natural wetland, significant natural wetland, or outstanding natural wetland including any associated:</p> <p>(a) disturbance of a river or lake bed, or foreshore or seabed, that forms part of a <u>significant</u> natural wetland or</p>	Reinstate the reference to ‘natural wetlands’ in Rules	Oppose the relief sought because: <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 and 	Yes

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<p><i>outstanding natural wetland, and</i></p> <p><i>(b) deposition in, on, or under a river or lake bed, or foreshore or seabed, that forms part of a <u>significant natural wetland or outstanding natural wetland</u>, and</i></p> <p><i>(c) damage to part of the foreshore or seabed that forms part of a <u>significant natural wetland or outstanding natural wetland</u>, and</i></p> <p><i>(d) diversion of water, and</i></p> <p><i>(e) discharge of sediment to water is a permitted activity provided the following conditions are met:</i></p> <p><i>(f) only appropriate indigenous wetland <u>species typical of the area and wetland type</u> are deliberately introduced or planted, and</i></p> <p><i>(g) only appropriate pest plant species that are not typical of the area and wetland type are deliberately removed or controlled, and</i></p> <p><i>(h) only agrichemicals approved by the Environmental Protection Authority for use into and over water are used <u>and the conditions of Rule R37 (excluding clause (d)) are met</u>, and</i></p> <p><i>i) agrichemicals are not applied by aerial spraying, and</i></p> <p><i>(j) only hand-held machinery is used <u>in any area of the significant natural wetland or outstanding natural wetland</u>,</i></p>			

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<p>and</p> <p>(k) the activity shall comply with the wetland general conditions for activities in natural wetlands, <u>significant natural wetlands and outstanding natural wetlands</u> specified above in Section 5.5.2.</p> <p>Note The Wellington Regional Council provides advice on its website and upon request regarding the management of wetlands, including appropriate species to plant (<u>those that are typical of the area and wetland type</u>) and appropriate pest plants to remove (<u>those that are not typical of the area and wetland type</u>).</p>			
<p>Rule R106: Restoration of natural wetlands, significant natural wetlands and outstanding natural wetlands – controlled activity</p> <p>Activities for the purpose of <u>the restoration of restoring</u> the indigenous biodiversity of a natural wetland, significant natural wetland or outstanding natural wetland identified in Schedule A3 (outstanding wetlands), that are not permitted by rules R104 and R105, are controlled activities provided the following condition is met:</p> <p>(a) the activities are stipulated in and carried out in accordance with an approved <u>wetland</u> restoration management plan.</p> <p>Matters of control</p> <p>1. Removal, damage or modification of indigenous vegetation</p>	Reinstate the reference to ‘natural wetlands’ in Rules	Oppose the relief sought because: <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 and • We prefer the relief sought by the NZ Transport Agency. 	Yes

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<p>2. <u>Changes to the hydrology of the significant natural wetland or outstanding natural wetland</u></p> <p>3. <u>Species for planting</u></p> <p>4. <u>Amount of disturbance and deposition that may occur</u></p> <p>5. <u>Timing of the activities</u></p> <p>6. <u>Management of sites with significant mana whenua values in any wetland significant natural wetland or outstanding natural wetland identified in Schedule C (mana whenua)</u></p> <p>7. <u>Type, frequency, density and timing of livestock access to, and (where there is no practicable alternative) the limited location of fencing within, the wetland significant natural wetland or outstanding natural wetland</u></p> <p>8. <u>Ongoing significant natural wetland or outstanding natural wetland management</u></p> <p>9. <u>Methods of pest control, including the use of aerial spraying</u></p> <p><i>Notification In respect of Rule R106, applications are precluded from public notification (unless special circumstances apply).</i></p>			
<p>Rule R107: Activities in natural wetlands and significant natural wetlands – discretionary activity</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>	Reinstate the reference to ‘natural wetlands’ in Rules	<p>Oppose the relief sought because:</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 and • We prefer the relief sought by the NZ Transport Agency. 	yes

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<p>(b) the discharge of water or contaminants not permitted by Rule R42,</p> <p>(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),</p> <p>(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</p> <p>(f) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a significant natural wetland, and</p> <p>(g) damage to a part of the foreshore or seabed that forms part of a significant natural wetland, and</p> <p>(h) diversion of water, and</p> <p>(i) discharge of sediment to water 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</u>, or the take and use of water within 50m of the significant natural wetland,</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</p>	Reinstate the reference to ‘natural wetlands’ in Rules	<p>Oppose the relief sought because:</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 and • We prefer the relief sought by the NZ Transport Agency. 	Yes

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<p><i>characteristics of a <u>significant</u> natural wetland), including any associated:</i></p> <p><i>(d) disturbance of a river or lake bed, or foreshore or seabed that forms part of a <u>significant</u> natural wetland, and</i></p> <p><i>(e) deposition in, on, or under a river or lake bed, or foreshore or seabed that forms part of a <u>significant</u> natural wetland, and</i></p> <p><i>(f) damage to a part of the foreshore or seabed that forms part of a <u>significant</u> natural wetland, and</i></p> <p><i>(g) diversion of water, and</i></p> <p><i>(h) discharge of sediment to water are non-complying activities.</i></p>			
<p><i>Schedule A – Mapped Scheduled Sites of Outstanding waterbodies</i></p>	<p>Clarify the Outstanding Waterbodies may be included in Schedule A now, or in the future, for reasons additional to the “indigenous ecosystem values” criteria currently set out in Schedule A</p>	<p>Oppose the relief sought because:</p> <ul style="list-style-type: none"> • All scheduled sites must go through the First Schedule Process set out in the RMA 	