

BEFORE THE ENVIRONMENT COURT

ENV-2019-WLN-000122

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

**Wellington Fish and
Game Council**

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
Email: kanton@doc.govt.nz/m Downing@doc.govt.nz
Telephone: 027 427 5900

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. Wellington Fish and Game Council v Wellington Regional Council, ENV-2019-WLN-000122.
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. Definition of "good management practices";
 - 5.2. Objective O19 (now objective O17);
 - 5.3. Objective O25 and Tables 3.4-3.8;
 - 5.4. Objective O28 and new proposed O28A;
 - 5.5. Objective O46 and O47;
 - 5.6. Additional policies in discharge to land and water chapter relating to catchment load nutrient limits;
 - 5.7. Policy P111 and associated rules;

- 5.8. Policy P117 and equivalent policies/rules in Whaitua chapters relating to supplementary allocation;
- 5.9. Policy R.P2 – core allocation in Ruamāhanga Whaitua;
- 5.10. Rule R42 – minor discharges – permitted activity;
- 5.11. Rules R104 – R108 – wetlands;
- 5.12. Rule R.R1 – take and use of water Ruamāhanga.

6. The Minister supports the relief sought because:

- 6.1. “Good management practices” needs a quantifiable and certain definition;
- 6.2. Objective O19 (now objective O17) – it is appropriate to refer to restoration and rehabilitation where natural character is degraded;
- 6.3. Objective O25 and Tables 3.4 – 3.8 – numeric standards are required to measure and manage ecosystem health. The standards proposed by the appellant are supported;
- 6.4. Objective O28 and new proposed O28A – these objectives are supported to implement the NPSFM and the NZCPS;
- 6.5. Objective O46 and O47 – the relief sought would make the objectives certain and measurable;
- 6.6. Additional policies in discharge to land and water chapter relating to catchment load nutrient limits – these will assist in managing the effects of land use activities and water quality and thereby are required to give effect to the NPSFM;
- 6.7. Amending Policy P111 and associated rules to provide for a two-tiered system so that water saving measures are undertaken well before minimum flows are reached is an effective tool to maintain the integrity of minimum flows;
- 6.8. Policy P117 and equivalent policies/rules in Whaitua chapters relating to supplementary allocation – the relief sought will assist in ensuring that supplementary allocation regime has less impact on the natural flow regime including the frequency of flushing flows;
- 6.9. Policy R.P2 – core allocation in Ruamāhanga Whaitua – core allocation should not rely on amounts already allocated under consent as this can perpetuate over-allocation instead of phasing it out;

- 6.10. Rule R42 – minor discharges – permitted activity – it is important for the cumulative effects of permitted discharges to be accounted for. It is not necessarily considered that this rule must be deleted to achieve this;
 - 6.11. Rules R104 – R108 – wetlands – terminology relating to “natural wetlands” and “significant natural wetlands” should be used consistently throughout the plan;
 - 6.12. Rule R.R1 – matters of discretion should provide for integrated management of water quantity and water quality;
 - 6.13. The amendments sought give effect to higher order policy direction including the National Policy Statement for Freshwater Management 2014, provide for matters of national importance listed in section 6 of the RMA, and promote the sustainable management of natural and physical resources.
 - 6.14. 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

Katherine Anton, Solicitor

Telephone: 027 427 5900

Email: kanton@doc.govt.nz

Herb Familton, Resource Management Planner

Telephone: 027 536 7037

Email: hfamilton@doc.govt.nz

Advice

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