

BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON

ENV-2019-WLG-000132

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 **FIRST GAS LIMITED**

*Appellants*

A N D **GREATER WELLINGTON REGIONAL COUNCIL**

*Respondent*

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**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 First Gas Limited (“the Appeal”).
2. Rangitāne opposed the Appeal.

**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) The definition of Regionally significant infrastructure;
  - (i) Rangitāne oppose the relief sought to include “including any associated fittings, appurtenances, fixtures or equipment required for the conveyance of the product or material in the pipelines and/or for the safe, efficient and effective operation of the pipelines”.
  
- (b) Policy P4: Minimising adverse effects;
  - (i) Rangitāne oppose the relief sought to reinstate Policy 4 with the relevant amendments.
  
- (c) Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities;
  - (i) Rangitāne oppose the relief sought to delete “in the coastal marine area and the beds of lakes and rivers” from the policy and to include “the financial implications of the activity when compared to other options; and (f) the use of the best practicable option in relation to the discharge of contaminants”
  
- (d) Policy P39: Adverse effects on outstanding water bodies;
  - (i) Rangitāne oppose the relief sought to include the word “inappropriate” to the policy.
  
- (e) Policy P45: Managing adverse effects on sites with significant mana whenua values;
  - (i) Rangitāne oppose the relief sought to include the following wording:
    - (A) “Where practicable”; and
    - (B) “having regard to the outcomes of consultation with and/or cultural advice provided by the relevant iwi

authority or iwi authorities with mana whenua over the site and the ability to incorporate tikanga and kaupapa Maori”.

(ii) The deletion of:

(A) “significant adverse effects of an activity on the significant values of the site shall be avoided from inappropriate use and development. (d) other adverse effects shall be managed to avoid, remedy or mitigate effects in accordance with tikanga and kaupapa Maori, taking into consideration in accordance with tikanga and kaupapa Maori as recommended in the cultural impact assessment(s) to: (e) where more than minor adverse effects on significant mana whenua values identified in Schedule C (mana whenua) cannot be avoided, minimised, or remedied, the activity is inappropriate. Offsetting of effects on sites with significant mana whenua values is inappropriate”.

(f) Policy P138: Structures in sites with significant values;

(i) Rangitāne oppose the relief sought to include the following in the policy:

(A) “Reasonably”; and

(B) “having regard to the benefits and costs of the environmental, economic, social, and cultural effects of any alternative locations or methods”.

(g) Rule R107: Activities in significant natural wetlands - discretionary activity;

(i) Rangitāne oppose the relief sought to include the wording “the operation, maintenance, replacement, upgrade and development of regionally significant infrastructure” in the Rule.

- (h) Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) - permitted activity;
- (i) Rangitāne oppose the relief sought to include the wording “he replacement of any cable, pipe or duct is as close as practicably possible to the existing cable, pipe or duct.” in 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



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**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](mailto:aidan.warren@mccawlewis.co.nz) and [kuru.ketu@mccawlewis.co.nz](mailto:kuru.ketu@mccawlewis.co.nz).