

BEFORE THE ENVIRONMENT COURT
AT WELLINGTON

ENV-2019-WLG-000107

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 **LAND MATTERS LIMITED**

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**

Counsel Acting
Aidan Warren
aidan.warren@mccawlewis.co.nz

Counsel Acting
Kuru Ketu
kuru.ketu@mccawlewis.co.nz


McCaw Lewis
GOOD PEOPLE. GREAT LAWYERS.

LEVEL 6, 586 VICTORIA STREET, PO BOX 9348
HAMILTON 3240, NEW ZEALAND
DX GP 20020, PH 07 838 2079
WWW.MCCAWLEWIS.CO.NZ

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 Land Matters Limited (“the Appeal”).
2. Rangitāne oppose 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) Objective O24: Contact recreation and Maori customary use;
 - (i) Rangitāne conditionally oppose the appellants relief sought as it is important that this does not reduce the stated outcomes for Maori values and that the way those outcomes are specified in the Plan is clear.

- (b) Policy P10: Contact recreation and Maori customary use;
 - (i) Rangitāne conditionally oppose the appellants relief sought as it is important that this does not reduce the stated outcomes for Maori values and that the way those outcomes are specified in the Plan is clear.

- (c) Policy P63: Improving water quality for contact recreation and Maori customary use;
 - (i) Rangitāne conditionally oppose the appellants relief sought as it is important that this does not reduce the stated outcomes for Maori values and that the way those outcomes are specified in the Plan is clear.

- (d) Nga Taonga Nui a Kiwa;
 - (i) Rangitāne oppose the relief sought to amend Schedule B and the Maps to identify the specific reaches within each Schedule B sites for which the huanga/attributes apply and cross reference these reaches that the relevant huanga/attributes referenced in tables 3.1, 3.2 and 3.3 relate to.

- (e) Objective O27: Riparian margins;
 - (i) Rangitāne oppose the relief sought to amend O27 so that references to natural wetlands are prefixed by the words, “significant” or include the words following natural wetlands

having significant indigenous vegetation; or having significant habitats of indigenous fauna.

- (f) Objective O28: Extent of wetlands;
 - (i) Rangitāne oppose the relief sought to amend O28 so that reference to natural wetlands is prefixed by the word significant or include the words following natural wetlands having significant indigenous vegetation; or having significant habitats of indigenous fauna.
- (g) Policy P31: Biodiversity, aquatic ecosystem health and mahinga kai;
 - (i) Rangitāne oppose the relief sought to amend P31 so that reference to natural wetlands is prefixed by the word significant or include the words following natural wetlands having significant indigenous vegetation; or having significant habitats of indigenous fauna.
- (h) Policy P37: Values of wetlands;
 - (i) Rangitāne oppose the relief sought to amend P37 so that reference to natural wetlands is prefixed by the word significant or include the words following natural wetlands having significant indigenous vegetation; or having significant habitats of indigenous fauna.
- (i) Policy P38: Restoration of wetlands;
 - (i) Rangitāne oppose the relief sought to amend P38 so that reference to natural wetlands is prefixed by the word significant or include the words following natural wetlands having significant indigenous vegetation; or having significant habitats of indigenous fauna.

- (j) Policy P40: Ecosystems and habitats with significant indigenous biodiversity values;
 - (i) Rangitāne oppose the relief sought to delete the Note at the bottom of P40 that all natural wetlands in the Wellington Region are considered to be significant natural wetlands.

- (k) Policy P101: Management of riparian margins;
 - (i) Rangitāne oppose the relief sought to amend P102 so that reference to natural wetlands is prefixed by the word significant or include the words following natural wetlands having significant indigenous vegetation; or having significant habitats of indigenous fauna.

- (l) Definition of Natural Wetlands;
 - (i) Rangitāne oppose the relief sought to delete the note under the definition of 'natural wetlands' referring to all natural wetlands being 'significant natural wetlands'.

- (m) Rule R104: Structures in significant natural wetlands - permitted activity;
 - (i) Rangitāne oppose the relief sought to ensure R104 does not apply to natural wetlands not meeting significance criteria or having natural character as defined by section 6 of the Act; and
 - (ii) Ensure R105 does not apply to natural wetlands not meeting significance criteria or having natural character as defined by section 6 of the Act.

- (n) Rule R105: Planting and pest plant control in significant natural wetlands and outstanding natural wetlands - permitted activity;
 - (i) Rangitāne oppose the relief sought to ensure R106 does not apply to natural wetlands not meeting significance criteria or having natural character as defined by section 6 of the Act.

- (o) Rule R107: Activities in significant natural wetlands - discretionary activity;
 - (i) Rangitāne oppose the relief sought to ensure R107 does not apply to natural wetlands not meeting significance criteria or having natural character as defined by section 6 of the Act.

- (p) Rule R108: Activities in significant natural wetlands - non-complying activity;
 - (i) Rangitāne oppose the relief sought to Ensure R108 does not apply to natural wetlands not meeting significance criteria or having natural character as defined by section 6 of the Act.

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.