

BEFORE THE ENVIRONMENT COURT
AT WELLINGTON

ENV-2019-WLG-000110

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 **MASTERTON DISTRICT COUNCIL**

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**

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KDK-439447-8-1075-V2

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 the Masterton District Council (“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:

Regionally significant infrastructure

- (a) Objective O12: Benefits of regionally significant infrastructure;
 - (i) Rangitāne oppose the relief sought by the appellant to amend Objective O12 to include the wording “and roads are recognised and provided for”.

- (b) Objective O12A: Benefits of regionally significant infrastructure;
 - (i) Rangitāne oppose the relief sought by the appellant include a new Objective O12A as follows:

Recognise that some regionally significant infrastructure has a functional need and/or operational requirement to be located and/or operated in a particular environment.

- (c) Policy P7: Uses of land and water;
 - (i) Rangitāne oppose the relief sought by the appellant to amend Policy P7 to include reference to
 - (k) transportation, including along, and access to, water bodies;
and
 - (l) regionally significant infrastructure

- (d) Policy P8: Beneficial activities;
 - (i) Rangitāne oppose the relief sought by the appellant to retain Policy P8.

- (e) Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities;
 - (i) Rangitāne oppose the relief sought by the appellant include reference to roads.

Drains

- (f) Rangitāne oppose the relief sought by the appellant to:

- (i) Clarify the provisions relating to the maintenance of Council managed drains, water races and highly modified streams to enable vegetation clearance and sediment removal to be permitted activities. Either delete the conditions applying to vegetation clearance, fish removal and sediment removal or amend to be more workable and practicable;
- (ii) Provide mapping to clarify those watercourses to which the Rules apply; and
- (iii) Any consequential amendment required to give effect to the relief sought.

Wastewater

- (g) Definitions of “Existing Discharge” and “New Discharge”;
 - (i) Rangitāne oppose the relief sought by the appellant to amend the definitions of “Existing Discharge” and/or “New Discharge” to confirm that the upgrade of an existing wastewater network is an “Existing Discharge”.
- (h) Rule R61: Wastewater discharges to coastal and fresh water - discretionary activity;
 - (i) Rangitāne oppose the relief sought by the appellant to amend Rule R61 (b) to confirm that the requirement to reduce the volume of wastewater discharge to freshwater is on a per capita basis and that the range of contaminants must be under the control of the Council.
- (i) Rule R67: Discharges inside sites of significance - non complying activity;
 - (i) Rangitāne oppose the relief sought by the appellant to amend Rule R67 to exclude discharges to Henley Lake (or Schedule C water bodies generally) and the associated wetland from being a

non-complying activity. A discretionary activity status is better suited (Rule R68) in the circumstances.

- (j) Rule R80: Discharge of treated wastewater from a wastewater network - restricted discretionary activity;
 - (i) Rangitāne oppose the relief sought by the appellant to amend Rule R80 to provide for discharges of treated wastewater from a wastewater network onto or into land as a permitted or controlled activity (subject to permitted activity standards or matters of control).

Stormwater

- (k) Rule R50: Stormwater from a local authority network at plan notification - controlled activity;
 - (i) Rangitāne oppose the relief sought by the appellant to amend Rule R50 as follows:

The resource consent application is received within ~~six~~ 12 months of this Rule becoming operative.
- (l) Rule R51: Stormwater from a local authority network with a stormwater management strategy - restricted discretionary activity;
 - (i) Rangitāne oppose the relief sought by the appellant to amend Rule R51 to clarify that effects which are temporary or minor are not matters over which discretion is restricted.

Other

- (m) Rule R36B: Motorised and aerial discharge of agrichemicals - permitted activity;
 - (i) Rangitāne oppose the relief sought by the appellant to amend Rule R36B to clarify that mechanical spraying of roadside drains is a permitted activity.

- (n) Rule R45: Potable water - permitted activity;
 - (i) Rangitāne oppose the relief sought by the appellant to amend Rule R45 to clarify that the chlorine content of the discharge is measured from the when it enters the water, rather than the discharge point.
- (o) Rule R48A: Stormwater from new subdivision and development - permitted activity;
 - (i) Rangitāne oppose the relief sought by the appellant to delete new Rule R48A.
- (p) Rule R52A: Stormwater from new subdivision and development - restricted discretionary activity;
 - (i) Rangitāne oppose the relief sought by the appellant to delete new Rule R52A.
- (q) Rule R99: Earthworks- permitted activity;
 - (i) Rangitāne oppose the relief sought by the appellant to delete Rule R99(e) or amend to clarify that work carried out by District Councils within 5 m of a surface waterbody to manage flood risk is a permitted activity.
- (r) Rule R100: Vegetation clearance on erosion prone land - permitted activity;
 - (i) Rangitāne oppose the relief sought by the appellant to delete Rule 100(c) or amend to clarify that work carried out by District Councils within 5 m of a surface waterbody to manage flood risk is a permitted activity.
- (s) Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) - permitted activity;

- (i) Rangitāne oppose the relief sought by the appellant to delete Rule R112 (h) or increase the limits provided for in Rule R112 (h)(ii) and (iii) to allow greater flexibility to District Councils in carrying out flood clearance works.
- (t) Schedule E5: Historic heritage freshwater sites;
 - (i) Rangitāne oppose the relief sought by the appellant to delete Tauweru Bridge from Schedule E5.
- (u) Rule R.R1: Take and use of water in the Ruamahanga Whaitua - restricted discretionary activity;
 - (i) Rangitāne oppose the relief sought by the appellant to amend Rule R.R1 to clarify the extent to which it applies to the take and use of water for the operation of water races in the Ruamāhanga Whaitua.

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.