

BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON

**ENV-2019-WLG-000131**

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 **NEW ZEALAND TRANSPORT AGENCY**

*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 the New Zealand Transport Agency (“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) The definition of Regionally significant infrastructure;
- (b) Objective O12: Benefits of regionally significant infrastructure;
- (c) Objective O13: Protecting regionally significant infrastructure;
- (d) Objective O28: Extent of wetlands;
- (e) Objective O31: Outstanding water bodies;
- (f) Objective O35: Significant indigenous biodiversity values;
- (g) Objective O53: Functional need in the coastal marine area;
- (h) Policy P4: Minimising adverse effects;
- (i) Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities;
- (j) Policy P13: Existing regionally significant infrastructure and renewable electricity generation activities;
- (k) New Policy - RSI in sensitive environments;
- (l) Policy P24: Assessing outstanding natural character;
- (m) Policy P28: Hazard mitigation measures;
- (n) Policy P31: Biodiversity, aquatic ecosystem health and mahinga kai;
- (o) Policy P32: Adverse effects on aquatic ecosystem health and mahinga kai;
- (p) Policy P35: Restoring fish passage;
- (q) Policy P39: Adverse effects on outstanding water bodies;
- (r) Policy P40: Ecosystems and habitats with significant indigenous biodiversity values;

- (s) Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values;
- (t) Policy P42: Protecting and restoring ecosystems and habitats with significant indigenous biodiversity values;
- (u) Policy P45: Managing adverse effects on sites with significant mana whenua values;
- (v) Policy P63: Improving water quality for contact recreation and Maori customary use;
- (w) Policy P78: Managing stormwater from large sites;
- (x) Policy P102: Reclamation or drainage of the beds of lakes and rivers;
- (y) Policy P126: Site dewatering;
- (z) Policy P138: Structures in sites with significant values;
- (aa) Policy P143: Deposition in a site of significance;
- (bb) Policy P144: Dumping in a site with significant values;
- (cc) Policy P145: Reclamation, drainage and destruction;
- (dd) Rule R48: Stormwater from an individual property - permitted activity;
- (ee) Rule R52: Stormwater from a port, airport or state highway - restricted discretionary activity;
- (ff) Rule R69: Minor contaminants - permitted activity;
- (gg) All discharges from Regionally Significant Infrastructure;
- (hh) Rule R99: Earthworks- permitted activity;
- (ii) Rule R107: Activities in significant natural wetlands - discretionary activity;

- (jj) Rule R108: Activities in significant natural wetlands - non-complying activity;
- (kk) Rule R109: Activities in outstanding natural wetlands - discretionary activity;
- (ll) Rule R110: Activities in outstanding natural wetlands - non-complying activity;
- (mm) Rule R111: Reclamation of outstanding natural wetlands - prohibited activity;
- (nn) New rule - existing structure;
- (oo) Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates) - permitted activity;
- (pp) Rule R122: Removing vegetation from the bed of any river or lake - permitted activity;
- (qq) Rule R125: Structures within a site identified in Schedule C (mana whenua) - restricted discretionary activity;
- (rr) Rule R127: Reclamation of the beds of rivers or lakes - non-complying activity;
- (ss) Rule R128: Reclamation of the bed of an outstanding river, lake or Schedule C site, and associated diversion - prohibited activity;
- (tt) New rule - New structures, additions and alterations for RSI inside sites of significance;
- (uu) Rule R167: Seawalls inside sites of significance - non-complying activity;
- (vv) Rule R194: Disturbance or damage - discretionary activity;
- (ww) Rule R195: Disturbance or damage inside sites of significance - non-complying activity;

- (xx) Rule R205: Destruction, damage, disturbance or deposition inside sites of significance - non-complying activity;
  - (yy) Rule R209: Deposition inside sites of significance - non-complying activity;
  - (zz) Rule R214: Reclamation and drainage for regionally significant infrastructure outside of sites of significance - discretionary activity; and
  - (aaa) Schedule G2: Principles to be applied when proposing and considering a biodiversity offset.
6. Rangitāne opposes the relief sought on the basis that the amendments to the plan would degrade the level of protection Rangitāne seek, and promote use, development and infrastructure over the protection of the environment including water ways, waterbodies, wetland and site of significance to Mana Whenua.
7. Through submissions and notice of appeal, Rangitāne seek to enhance to protections on the environment.

### **Conclusion**

8. 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).