

BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON

ENV-2019-WLG-000116

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 **PORIRUA DISTRICT COUNCIL**

*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 Porirua 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:

- (a) Rangitāne oppose the relief sought to the following definitions:
  - (i) catchment based flood and erosion risk management activities;
  - (ii) Efficient allocation;
  - (iii) Existing discharge;
  - (iv) Good management practice;
  - (v) Noise sensitive activities;
  - (vi) Property;
  - (vii) Regionally significant infrastructure;
  - (viii) Stormwater network;
  - (ix) Upgrade;
  - (x) Vegetation clearance; and
  - (xi) Vegetative bank edge protection.
  
- (b) Objective O13: Protecting regionally significant infrastructure;
  - (i) Rangitāne oppose the relief sought to add “Wetlands” into the objective.
  
- (c) Objective O32: Outstanding natural features and landscapes;
  - (i) Rangitāne oppose the relief sought to include “(including seascapes) of the coastal marine area, rivers, lakes and their margins and natural wetlands”.
  
- (d) New Policy after P3;
  - (i) Rangitāne oppose the relief sought to add a new policy that states “Use and development activities within the coastal environment

are to be designed and managed taking into account the potential effects of climate change, including sea level rise, over 100 years.”

- (e) New Policy related to Beneficial use and development;
  - (i) Rangitāne oppose the relief sought to add a new policy that states “the benefits of existing urban areas, identified urban growth areas and infrastructure are recognised with particular acknowledgement of their need to enable people and communities to provide for their wellbeing. Ensure that the ongoing use and development of existing urban areas, identified urban growth areas and infrastructure is appropriately enabled and provided for.”
- (f) Policy P7: Uses of land and water;
  - (i) Rangitāne oppose the relief sought to reinsert the wording of Policy 7.
- (g) Policy P12: Benefits of regionally significant infrastructure and renewable electricity generation facilities;
  - (i) Rangitāne oppose the relief sought to include infrastructure and activities in the reference to renewable energy generation activities.
- (h) Policy P24: Assessing outstanding natural character;
  - (i) Rangitāne oppose the relief sought to include the wording “or if it is not practicable mitigating or offsetting” in the policy.
- (i) Policy P34: Fish passage;
  - (i) Rangitāne oppose the relief sought to include the wording “or mitigated where avoidance is not practicable. This policy does not apply where the barrier” in the policy.

- (j) Policy P39: Adverse effects on outstanding water bodies;
  - (i) Rangitāne oppose the relief sought to include the wording “or mitigated where avoidance is not practicable” in the policy.
- (k) Policy P40: Ecosystems and habitats with significant indigenous biodiversity values;
  - (i) Rangitāne oppose the relief sought to include the wording “from inappropriate development, and enable their restoration:” in the policy and the additional wording in the note that “this policy is to be read in conjunction with Policy P41.”
- (l) Policy P41: Managing adverse effects on ecosystems and habitats with significant indigenous biodiversity values;
  - (i) Rangitāne opposed the relief sought to include the wording “(excluding passive recreation activities)” in the policy.
- (m) Policy P41A: Effects on the spawning and migration of indigenous fish species;
  - (i) Rangitāne oppose the relief sought to amend the policy to remove “avoid” and replace with “reduce. Further the addition of the wording “to a practical minimum” is inconsistent with Rangitāne’s position.
- (n) Policy P48: Protection of outstanding natural features and landscapes;
  - (i) Rangitāne oppose the relief sought to include the wording “or if it is not practicable mitigating or offsetting” to the policy.
- (o) Policy P73: Minimising adverse effects of stormwater discharges;
  - (i) Rangitāne oppose the relief sought to amend the policy that reduces the protections provided by:
    - (A) Using the wording “best practicable options”;

- (B) Using the wording “where appropriate”; and
  - (C) The addition of the Note: “non-regulatory methods are of particular importance in achieving this policy given the interrelated nature of the stormwater network.”
- (p) Policy P90: Discharges of hazardous substances;
  - (i) Rangitāne oppose the relief sought to include the wording “or mitigated where avoidance is not practicable” in the policy.
- (q) Policy P102: Reclamation or drainage of the beds of lakes and rivers;
  - (i) Rangitāne oppose the relief sought that Policy P102 is given effect to throughout the rest of the Plan, in particular in the rules.
- (r) Policy P138: Structures in sites with significant values;
  - (i) Rangitāne oppose the relief sought to amend the policy, specifically the inclusion of the wording “the structure is required to protect or enhance recreational values or public access” in the policy.
- (s) Rule R40: Discharge of other fumigants - controlled activity;
  - (i) Rangitāne oppose the relief sought to amend Rule R40 to include the wording:
    - (A) “in an area that is not listed in Schedules A, B, C or F”;
    - (B) “Quantity and concentration of the fumigants used”; and
    - (C) “Location and extent of the discharge”.
  - (ii) Rangitāne also oppose the deletion of “methyl bromide” from the Rule.

- (t) Rule R51: Stormwater from a local authority network with a stormwater management strategy - restricted discretionary activity;
  - (i) Rangitāne oppose the relief sought to delete “such as catchment-specific stormwater management plan(s)” from the Rule.
- (u) Rule R52: Stormwater from a port, airport or state highway - restricted discretionary activity;
  - (i) Rangitāne oppose the relief sought to amend the Rule to including the wording “or local roading network”.
- (v) Rule R61: Wastewater discharges to coastal and fresh water - discretionary activity;
  - (i) Rangitāne oppose the relief sought to amend the Rule to include the following wording in the Rule:
    - (A) “to the extent it is practicable”; and
    - (B) “new overflow discharge of wastewater”.
- (w) Rule R62: New discharges of wastewater to fresh water - non-complying activity;
  - (i) Rangitāne oppose the relief sought to amend the Rule to include the wording “except those discharges in Rule 61(c)” in the Rule.
- (x) 5.5.2 Activities in wetlands general conditions;
  - (i) Rangitāne oppose the relief sought to include “unless the bed disturbance, diversion of water or sediment discharge is required to enable a local authority to undertake emergency works or maintenance and capital construction works in relation to its assets.”
- (y) Rule R100: Vegetation clearance on erosion prone land - permitted activity;

- (i) Rangitāne oppose the relief sought to amend the Rule to delete reference to erosion prone land.
- (z) Rule R104: Structures in significant natural wetlands - permitted activity;
  - (i) Rangitāne oppose the relief sought as follows:
    - (A) “generally only hand-held machinery is to be used in any area of the significant natural wetland, however larger machinery may be used by local authorities for maintenance and repair of their assets.”
- (aa) Rule R106: Restoration of significant natural wetlands and outstanding natural wetlands - controlled activity;
  - (i) Rangitāne oppose the relief sought to amend the Rule to provide that “an activity undertaken in accordance with an approved wetland restoration management plan which are intended to restore the indigenous biodiversity of a, significant natural wetland or outstanding natural wetland identified in Schedule A3 (outstanding wetlands) is a permitted activity”.
- (bb) Rule R107: Activities in significant natural wetlands - discretionary activity;
  - (i) Rangitāne oppose the relief sought to amend the Rule to include “work in wetlands undertaken for amenity purposes”.
- (cc) Rule R109: Activities in outstanding natural wetlands - discretionary activity;
  - (i) Rangitāne oppose the relief sought to include the following additions:
    - (A) “upgrade”; and



- (B) “the placement of new structures by a local authority that are to provide for erosion protection or public access to the coast”.
- (dd) Rule R110: Activities in outstanding natural wetlands - non-complying activity;
  - (i) Rangitāne oppose the relief sought to amend the Rule to include “Reclamation or drainage”.
- (ee) Rule R111: Reclamation of outstanding natural wetlands - prohibited activity;
  - (i) Rangitāne oppose the relief sought to delete the Rule.
- (ff) 5.5.4 Beds of lakes and rivers general conditions;
  - (i) Rangitāne oppose the relief sought to include “unless the bed disturbance, diversion of water or sediment discharge is required to enable a local authority to undertake emergency works or maintenance and capital construction works in relation to its assets”.
- (gg) New rule - existing structure;
  - (i) Rangitāne oppose the relief sought to include a new Rule.
- (hh) New Rule R127A: Reclamation of the beds of rivers or lakes - non-complying activity;
  - (i) Rangitāne oppose the relief sought to add a new Rule R127A and amendments to Rule R127 and R1278 to refer to new Rule R127A.
- (ii) New Rule R129A: All other activities in river and lake beds - discretionary activity;
  - (i) Rangitāne oppose the relief sought to add a new rule to sit before Rule R129.

- (jj) Rule R130: Diversion of groundwater - permitted activity;
  - (i) Rangitāne oppose the relief sought to add a new rule to sit before Rule R130.
  
- (kk) 5.7.2 Coastal management general conditions;
  - (i) Rangitāne oppose the relief sought to amend the Rule to include the following:
    - (A) “unless a temporary restriction of no more than 48 hours is required for construction or maintenance activities”;  
and
    - (B) “unless the disturbance of or deposition in, on or under the foreshore or seabed is required to enable a local authority to undertake emergency works or maintenance and capital construction works in relation to its assets”.
  
- (ll) Rule R162: New structures, additions or alterations to structures inside sites of significance - non-complying activity;
  - (i) Rangitāne oppose the relief sought to delete Rule R162.
  
- (mm) Rule R167: Seawalls inside sites of significance - non-complying activity;
  - (i) Rangitāne oppose the relief sought to add a new rule to sit before Rule R167.

**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).