

s274 Notices - The Winegrowers

Plan Change 9: TANK

Appellant No.	Appellant Name
193	Te Taiwhenua o Heretaunga
194	Aotearoa New Zealand Fine Wine Estates
196	Royal Forest and Bird Protection Society of New Zealand
198	T&G Global Limited
200	Horticulture New Zealand
201	Mangaroa Marae, representing the hapū – Ngāti Rāhungaiterangi, Ngāti Pōpōro, Ngāti Pāhū and Ngāti Pouwharekura
202	Ōmahu Marae, (HUPHA) – Ngāti Hinemanu, Ngāi Te Upokoiri, Ngāti Honomōkai, Ngāti Mahuika
203	Delegat Limited
204	Heinz Wattie's Limited
206	Ngāti Kahungunu Iwi Incorporated

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

ENV-2022-AKL-000193

UNDER the Resource Management Act 1991

IN THE MATTER OF an appeal under clause 14 of Schedule 1

BETWEEN **TE TAIWHENUA O HERETAUNGA**
Appellant

AND **HAWKE'S BAY REGIONAL COUNCIL**
Respondent

NOTICE OF "THE WINEGROWERS" WISH TO BE PARTY TO PROCEEDINGS

Dated: 16 November 2022



Cooper Rapley Lawyers

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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

TO: The Registrar

The Environment Court at Auckland

[1] Hawkes's Bay Winegrowers Association Incorporated ("**HBWG**"), Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited and Pernod Ricard Winemakers New Zealand Limited (collectively "**The Winegrowers**") wish to be a party to the following proceedings:

Te Taiwhenua o Heretaunga v Hawkes Bay Regional Council: ENV-2022-AKL-000193

[2] The Winegrowers made submissions about the subject matter of the proceedings.

[3] In addition, HBWG has an interest in the proceedings that is greater than the general public, because:

(a) The proceedings seek relief that will impact on the natural and physical resources of the Hawkes Bay region;

(b) HBWG is an industry representative organisation that represents the Hawke's Bay winegrowing industry;

(c) The proceedings will impact on viticulture operations within Hawke's Bay.

[4] The Winegrowers are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

[5] The Winegrowers are interested in part of the proceedings, being all parts of the proceedings relating to the water allocation provisions of Plan Change 9 ("**PC9**"), and particularly the parts relating to the water allocation provision framework for the Heretaunga Plains Aquifer.

[6] The Winegrowers are interested in the amendments proposed to provisions of PC9 that are likely to affect their ability to operate, maintain, upgrade and

develop vineyards, which rely on the waterbodies within the TANK catchments.

- [7] The Winegrowers oppose the relief sought because:
- (a) The relief sought may reduce the interim water allocation limit below the 90 million m³/year set out in the provisions, and water takes generally;
 - (b) It does not appropriately recognise or provide for viticulture activities and their intensification or development. This includes failing to recognise the difference between viticulture and other water users in relation to efficiency when considering allocation;
 - (c) The relief sought may result in unjustifiable constraints on existing and future viticulture operations in Hawke's Bay;
 - (d) The amendments sought to the provisions are not the most appropriate in terms of section 32 of the RMA and do not meet the purpose of the RMA as set out in Part 2.
- [8] The Winegrowers agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 16 November 2022



Shannon Johnston / Nicholas Jessen

Counsel for the Appellants

This document is filed by Shannon Johnston, solicitor for the appellants. The address for service of the appellants is at the offices of CR Law, Level 1, 227 Broadway Avenue, Palmerston North.

Documents for service on the appellants may be left at that address for service or:

- (a) Posted to the solicitor at PO Box 1945; or

- (b) Left for the solicitor at a document exchange for direction to DX PP80001; or
- (c) Sent by email to sjohnston@crlaw.co.nz and njessen@crlaw.co.nz.

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

ENV-2022-AKL-000194

UNDER the Resource Management Act 1991

IN THE MATTER OF an appeal under clause 14 of Schedule 1

BETWEEN **AOTEAROA NZ FINE WINE ESTATES LP**
Appellant

AND **HAWKE'S BAY REGIONAL COUNCIL**
Respondent

NOTICE OF "THE WINEGROWERS" WISH TO BE PARTY TO PROCEEDINGS

Dated: 16 November 2022



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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

TO: The Registrar

The Environment Court at Auckland

- [1] Hawkes's Bay Winegrowers Association Incorporated ("**HBWG**"), Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited and Pernod Ricard Winemakers New Zealand Limited (collectively "**The Winegrowers**") wish to be a party to the following proceedings:

Aotearoa New Zealand Fine Wine Estates LP v Hawke's Bay Regional Council
ENV-2022-AKL-000194

- [2] The Winegrowers made submissions about the subject matter of the proceedings.

- [3] In addition, HBWG has an interest in the proceedings that is greater than the general public, because:

- (a) The proceedings seek relief that will impact on the natural and physical resources of the Hawkes Bay region;
- (b) HBWG is an industry representative organisation that represents the Hawke's Bay winegrowing industry;
- (c) The proceedings will impact on viticulture operations within Hawke's Bay.


- [4] The Winegrowers are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

- [5] The Winegrowers are interested in all of the proceedings.

- [6] The Winegrowers are interested in the amendments proposed to provisions of Plan Change 9 ("**PC9**") that are likely to affect their ability to operate, maintain, upgrade and develop vineyards, which rely on the waterbodies within the TANK catchments.

- [7] The Winegrowers oppose the relief sought at appeal point 6 of the appellant's notice of appeal regarding the deletion of the reference to IRRICALC in the definition of 'Actual and Reasonable', for the reasons provided in the decision.¹
- [8] The Winegrowers otherwise support the relief insofar as it better provides for viticulture, including its development and intensification, because:
- (a) The amendments to the provisions will more effectively recognise and provide for the operation, development and intensification of viticulture operations in Hawke's Bay;
 - (b) The relief sought will appropriately provide for the ongoing viability of the viticulture industry in Hawke's Bay; and
 - (c) The provisions as sought are more appropriate in terms of section 32 of the RMA and more effectively meet the purpose of the RMA as set out in Part 2.
- [9] The Winegrowers agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 16 November 2022



Shannon Johnston / Nicholas Jessen
Counsel for the Appellants

This document is filed by Shannon Johnston, solicitor for the appellants. The address for service of the appellants is at the offices of CR Law, Level 1, 227 Broadway Avenue, Palmerston North.

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¹ The Winegrowers seek the inclusion of additional wording to enable assessment of site specific information in applying the IRRICALC model, which was supported in part by the recommended changes in the respondent's decision at paragraph 5.75, but this wording was not carried over to the clean version of the provisions. See the Winegrowers' Notice of Appeal (ENV-2022-AKL-000195) at [13](c).

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- (b) Left for the solicitor at a document exchange for direction to DX PP80001; or
- (c) Sent by email to sjohnston@crlaw.co.nz and njessen@crlaw.co.nz.

IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

ENV-2022-AKL-000196

UNDER the Resource Management Act 1991

IN THE MATTER OF an appeal under clause 14 of Schedule 1

BETWEEN **ROYAL FOREST AND BIRD PROTECTION SOCIETY OF
NEW ZEALAND INCORPORATED**

Appellant

AND **HAWKE'S BAY REGIONAL COUNCIL**

Respondent

NOTICE OF "THE WINEGROWERS" WISH TO BE PARTY TO PROCEEDINGS

Dated: 16 November 2022



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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

TO: The Registrar

The Environment Court at Auckland

[1] Hawkes's Bay Winegrowers Association Incorporated ("**HBWG**"), Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited and Pernod Ricard Winemakers New Zealand Limited (collectively "**The Winegrowers**") wish to be a party to the following proceedings:

Royal Forest and Bird Protection Society of New Zealand Incorporated v Hawkes Bay Regional Council: ENV-2022-AKL-000196

[2] The Winegrowers made submissions about the subject matter of the proceedings.

[3] In addition, HBWG has an interest in the proceedings that is greater than the general public, because:

(a) The proceedings seek relief that will impact on the natural and physical resources of the Hawkes Bay region;

(b) HBWG is an industry representative organisation that represents the Hawke's Bay winegrowing industry;

(c) The proceedings will impact on viticulture operations within Hawke's Bay.

[4] The Winegrowers are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

[5] The Winegrowers are interested in part of the proceedings, being all parts of the proceedings relating to the water allocation provisions of Plan Change 9 ("**PC9**"), and particularly the parts relating to the water allocation provision framework for the Heretaunga Plains Aquifer.

[6] Without limiting the generality of the above, the Winegrowers are centrally interested in:

- (a) Amendments proposed to the decisions version of POL TANK 33–51 and Rules TANK 8–12; and
 - (b) Any other amendments to PC9 arising from amendments to those provisions.
- [7] The Winegrowers are interested in the amendments proposed to provisions of PC9 that are likely to affect their ability to operate, maintain, upgrade and develop vineyards, which rely on the waterbodies within the TANK catchments.
- [8] The Winegrowers oppose the relief sought because:
- (a) The relief sought may reduce the interim water allocation limit below the 90 million m³/year set out in the provisions, and water takes generally;
 - (b) It does not appropriately recognise or provide for viticulture activities and their intensification or development. This includes failing to recognise the difference between viticulture and other water users in relation to efficiency when considering allocation;
 - (c) The relief sought may result in unjustifiable constraints on existing and future viticulture operations in Hawke’s Bay;
 - (d) The amendments sought to the provisions are not the most appropriate in terms of section 32 of the RMA and do not meet the purpose of the RMA as set out in Part 2.
- [9] The Winegrowers agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 16 November 2022



Shannon Johnston / Nicholas Jessen
Counsel for the Appellants

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IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

ENV-2022-AKL-000198

UNDER the Resource Management Act 1991

IN THE MATTER OF an appeal under clause 14 of Schedule 1

BETWEEN **T&G GLOBAL LIMITED**
Appellant

AND **HAWKE'S BAY REGIONAL COUNCIL**
Respondent

NOTICE OF "THE WINEGROWERS" WISH TO BE PARTY TO PROCEEDINGS

Dated: 16 November 2022



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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

- TO:** The Registrar
The Environment Court at Auckland
- [1] Hawkes's Bay Winegrowers Association Incorporated ("**HBWG**"), Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited and Pernod Ricard Winemakers New Zealand Limited (collectively "**The Winegrowers**") wish to be a party to the following proceedings:
- T&G Global Limited v Hawke's Bay Regional Council* ENV-2022-AKL-000198
- [2] The Winegrowers made submissions about the subject matter of the proceedings.
- [3] In addition, HBWG has an interest in the proceedings that is greater than the general public, because:
- (a) The proceedings seek relief that will impact on the natural and physical resources of the Hawkes Bay region;
 - (b) HBWG is an industry representative organisation that represents the Hawke's Bay winegrowing industry;
 - (c) The proceedings will impact on viticulture operations within Hawke's Bay.
- [4] The Winegrowers are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
- [5] The Winegrowers are interested in all of the proceedings.
- [6] The Winegrowers are interested in the amendments proposed to provisions of Plan Change 9 ("**PC9**") that are likely to affect their ability to operate, maintain, upgrade and develop vineyards, which rely on the waterbodies within the TANK catchments.
- [7] The Winegrowers support the relief insofar as it better provides for viticulture, including its development and intensification, because:

- (a) The amendments to the provisions will more effectively recognise and provide for the operation, development and intensification of viticulture operations in Hawke's Bay;
 - (b) The relief sought will appropriately provide for the ongoing viability of the viticulture industry in Hawke's Bay; and
 - (c) The provisions as sought are more appropriate in terms of section 32 of the RMA and more effectively meet the purpose of the RMA as set out in Part 2.
- [8] The Winegrowers agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 16 November 2022



Shannon Johnston / Nicholas Jessen
Counsel for the Appellants

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IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

ENV-2022-AKL-000200

UNDER the Resource Management Act 1991

IN THE MATTER OF an appeal under clause 14 of Schedule 1

BETWEEN **HORTICULTURE NEW ZEALAND**
Appellant

AND **HAWKE'S BAY REGIONAL COUNCIL**
Respondent

NOTICE OF "THE WINEGROWERS" WISH TO BE A PARTY TO PROCEEDINGS

Dated: 16 November 2022



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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

TO: The Registrar

The Environment Court at Auckland

[1] Hawkes's Bay Winegrowers Association Incorporated ("**HBWG**"), Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited and Pernod Ricard Winemakers New Zealand Limited (collectively "**The Winegrowers**") wish to be a party to the following proceedings:

Horticulture New Zealand v Hawke's Bay Regional Council ENV-2022-AKL-000200

[2] The Winegrowers made submissions about the subject matter of the proceedings.

[3] In addition, HBWG has an interest in the proceedings that is greater than the general public, because:

(a) The proceedings seek relief that will impact on the natural and physical resources of the Hawkes Bay region;

(b) HBWG is an industry representative organisation that represents the Hawke's Bay winegrowing industry;

(c) The proceedings will impact on viticulture operations within Hawke's Bay.

[4] The Winegrowers are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

[5] The Winegrowers are interested in part of the proceedings, being all parts of the proceedings relating to the water allocation provisions of Plan Change 9 ("**PC9**"), and particularly the parts relating to the water allocation provision framework for the Heretaunga Plains Aquifer.

[6] The Winegrowers are interested in the amendments proposed to provisions of PC9 that are likely to affect their ability to operate, maintain, upgrade and develop vineyards, which rely on the waterbodies within the TANK

catchments. Centrally, the Winegrowers are interested in proposed changes to the provisions regarding water allocation for rootstock protection and stream enhancement schemes, and delineation between the definitions for catchment collectives and industry programmes.

[7] The Winegrowers support the relief insofar as it better provides for viticulture, including its development and intensification, because:

- (a) The amendments to the provisions will more effectively recognise and provide for the operation, development and intensification of viticulture operations in Hawke's Bay;
- (b) The relief sought will appropriately provide for the ongoing viability of the viticulture industry in Hawke's Bay; and
- (c) The provisions as sought are more appropriate in terms of section 32 of the RMA and more effectively meet the purpose of the RMA as set out in Part 2.

[8] The Winegrowers agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 16 November 2022



Shannon Johnston / Nicholas Jessen

Counsel for the Appellants

This document is filed by Shannon Johnston, solicitor for the appellants. The address for service of the appellants is at the offices of CR Law, Level 1, 227 Broadway Avenue, Palmerston North.

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**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

ENV-2022-AKL-000201

UNDER the Resource Management Act 1991

IN THE MATTER OF an appeal under clause 14 of Schedule 1

BETWEEN **MANGAROA MARAE**
Appellant

AND **HAWKE'S BAY REGIONAL COUNCIL**
Respondent

NOTICE OF "THE WINEGROWERS" WISH TO BE PARTY TO PROCEEDINGS

Dated: 16 November 2022



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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

TO: The Registrar

The Environment Court at Auckland

[1] Hawkes's Bay Winegrowers Association Incorporated ("**HBWG**"), Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited and Pernod Ricard Winemakers New Zealand Limited (collectively, "**The Winegrowers**") wish to be a party to the following proceedings:

Mangaroa Marae v Hawke's Bay Regional Council: ENV-2022-AKL-000201

[2] The Winegrowers made submissions about the subject matter of the proceedings.

[3] In addition, HBWG has an interest in the proceedings that is greater than the general public, because:

- (a) The proceedings seek relief that will impact on the natural and physical resources of the Hawkes Bay region;
- (b) HBWG is an industry representative organisation that represents the Hawke's Bay winegrowing industry;
- (c) The proceedings will impact on viticulture operations within Hawke's Bay.

[4] The Winegrowers are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

[5] The Winegrowers are interested in part of the proceedings, being all parts of the proceedings relating to the water allocation provisions of Plan Change 9 ("**PC9**"), and particularly the parts relating to the water allocation provision framework for the Heretaunga Plains Aquifer.

[6] The Winegrowers are interested in the amendments proposed to provisions of PC9 that are likely to affect their ability to operate, maintain, upgrade and develop vineyards, which rely on the waterbodies within the TANK catchments.

- [7] The Winegrowers oppose the relief sought because:
- (a) The relief sought may reduce the interim water allocation limit below the 90 million m³/year set out in the provisions, and water takes generally;
 - (b) It does not appropriately recognise or provide for viticulture activities and their intensification or development. This includes failing to recognise the difference between viticulture and other water users in relation to efficiency when considering allocation;
 - (c) The relief sought may result in unjustifiable constraints on existing and future viticulture operations in Hawke's Bay;
 - (d) The amendments sought to the provisions are not the most appropriate in terms of section 32 of the RMA and do not meet the purpose of the RMA as set out in Part 2.
- [8] The Winegrowers agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 16 November 2022



Shannon Johnston / Nicholas Jessen

Counsel for the Winegrowers

This document is filed by Shannon Johnston, solicitor for the appellants. The address for service of the appellants is at the offices of CR Law, Level 1, 227 Broadway Avenue, Palmerston North.

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IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

ENV-2022-AKL-000202

UNDER the Resource Management Act 1991

IN THE MATTER OF an appeal under clause 14 of Schedule 1

BETWEEN ŌMAHU MARAE, NGĀTI HINEMANU, NGĀI TE
UPOKOIRI, NGĀTI HONOMŌKAI, NGĀ NGĀTI MAHUIKA
HAPU AUTHORITY

Appellant

AND HAWKE'S BAY REGIONAL COUNCIL

Respondent

NOTICE OF "THE WINEGROWERS" WISH TO BE PARTY TO PROCEEDINGS

Dated: 16 November 2022



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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

TO: The Registrar

The Environment Court at Auckland

[1] Hawkes's Bay Winegrowers Association Incorporated ("**HBWG**"), Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited and Pernod Ricard Winemakers New Zealand Limited (collectively, "**The Winegrowers**") wish to be a party to the following proceedings:

Ōmahu Marae v Hawke's Bay Regional Council ENV-2022-AKL-000202

[2] The Winegrowers made a submission about the subject matter of the proceedings.

[3] In addition, HBWG has an interest in the proceedings that is greater than the general public, because:

(a) The proceedings seek relief that will impact on the natural and physical resources of the Hawkes Bay region;

(b) HBWG is an industry representative organisation that represents the Hawke's Bay winegrowing industry;

(c) The proceedings will impact on viticulture operations within Hawke's Bay.

[4] The Winegrowers are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

[5] The Winegrowers are interested in part of the proceedings, being all parts of the proceedings relating to the water allocation provisions of Plan Change 9 ("**PC9**"), and particularly the parts relating to the water allocation provision framework for the Heretaunga Plains Aquifer.

[6] The Winegrowers are interested in the amendments proposed to provisions of PC9 that are likely to affect their ability to operate, maintain, upgrade and develop vineyards, which rely on the waterbodies within the TANK catchments.

- [7] The Winegrowers oppose the relief sought because:
- (a) The relief sought may reduce the interim water allocation limit below the 90 million m³/year set out in the provisions, and water takes generally;
 - (b) It does not appropriately recognise or provide for viticulture activities and their intensification or development. This includes failing to recognise the difference between viticulture and other water users in relation to efficiency when considering allocation;
 - (c) The relief sought may result in unjustifiable constraints on existing and future viticulture operations in Hawke's Bay;
 - (d) The amendments sought to the provisions are not the most appropriate in terms of section 32 of the RMA and do not meet the purpose of the RMA as set out in Part 2.

- [8] The Winegrowers agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 16 November 2022



Shannon Johnston / Nicholas Jessen

Counsel for the Winegrowers

This document is filed by Shannon Johnston, solicitor for the appellants. The address for service of the appellants is at the offices of CR Law, Level 1, 227 Broadway Avenue, Palmerston North.

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IN THE ENVIRONMENT COURT
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

ENV-2022-AKL-000203

UNDER the Resource Management Act 1991

IN THE MATTER OF an appeal under clause 14 of Schedule 1

BETWEEN **DELEGAT LIMITED**
Appellant

AND **HAWKE'S BAY REGIONAL COUNCIL**
Respondent

NOTICE OF "THE WINEGROWERS" WISH TO BE PARTY TO PROCEEDINGS

Dated: 16 November 2022




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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

TO: The Registrar

The Environment Court at Auckland

[1] Hawkes's Bay Winegrowers Association Incorporated ("**HBWG**"), Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited and Pernod Ricard Winemakers New Zealand Limited (collectively "**The Winegrowers**") wish to be a party to the following proceedings:

Delegat Limited v Hawke's Bay Regional Council ENV-2022-AKL-000203

[2] The Winegrowers made submissions about the subject matter of the proceedings.

[3] In addition, HBWG has an interest in the proceedings that is greater than the general public, because:

(a) The proceedings seek relief that will impact on the natural and physical resources of the Hawkes Bay region;

(b) HBWG is an industry representative organisation that represents the Hawke's Bay winegrowing industry;

(c) The proceedings will impact on viticulture operations within Hawke's Bay.

[4] The Winegrowers are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

[5] The Winegrowers are interested in all of the proceedings.

[6] The Winegrowers are interested in the amendments proposed to provisions of Plan Change 9 ("**PC9**") that are likely to affect their ability to operate, maintain, upgrade and develop vineyards, which rely on the waterbodies within the TANK catchments.

[7] The Winegrowers support the relief sought, because:

- (a) The amendments to the provisions will more effectively recognise and provide for the operation, development and intensification of viticulture operations in Hawke's Bay;
- (b) The relief sought will appropriately provide for the ongoing viability of the viticulture industry in Hawke's Bay; and
- (c) The provisions as sought are more appropriate in terms of section 32 of the RMA and more effectively meet the purpose of the RMA as set out in Part 2.

[8] The Winegrowers agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 16 November 2022



Shannon Johnston / Nicholas Jessen

Counsel for the Appellants

This document is filed by Shannon Johnston, solicitor for the appellants. The address for service of the appellants is at the offices of CR Law, Level 1, 227 Broadway Avenue, Palmerston North.

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IN THE ENVIRONMENT COURT
AT AUCKLAND

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KI TĀMAKI MAKĀURAU

ENV-2022-AKL-000204

UNDER the Resource Management Act 1991

IN THE MATTER OF an appeal under clause 14 of Schedule 1

BETWEEN **HEINZ WATTIE'S LIMITED**
Appellant

AND **HAWKE'S BAY REGIONAL COUNCIL**
Respondent

NOTICE OF "THE WINEGROWERS" WISH TO BE PARTY TO PROCEEDINGS

Dated: 16 November 2022



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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

TO: The Registrar

The Environment Court at Auckland

[1] Hawkes's Bay Winegrowers Association Incorporated ("**HBWG**"), Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited and Pernod Ricard Winemakers New Zealand Limited (collectively "**The Winegrowers**") wish to be a party to the following proceedings:

Heinz Wattie's Limited v Hawke's Bay Regional Council ENV-2022-AKL-000204

[2] The Winegrowers made submissions about the subject matter of the proceedings.

[3] In addition, HBWG has an interest in the proceedings that is greater than the general public, because:

(a) The proceedings seek relief that will impact on the natural and physical resources of the Hawkes Bay region;

(b) HBWG is an industry representative organisation that represents the Hawke's Bay winegrowing industry;

(c) The proceedings will impact on viticulture operations within Hawke's Bay.

[4] The Winegrowers are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

[5] The Winegrowers are interested in all of the proceedings.

[6] The Winegrowers are interested in the amendments proposed to provisions of Plan Change 9 ("**PC9**") that are likely to affect their ability to operate, maintain, upgrade and develop vineyards, which rely on the waterbodies within the TANK catchments.

- [7] The Winegrowers support the relief insofar as it better provides for viticulture, including its development and intensification, because:
- (a) The amendments to the provisions will more effectively recognise and provide for the operation, development and intensification of viticulture operations in Hawke's Bay;
 - (b) The relief sought will appropriately provide for the ongoing viability of the viticulture industry in Hawke's Bay; and
 - (c) The provisions as sought are more appropriate in terms of section 32 of the RMA and more effectively meet the purpose of the RMA as set out in Part 2.
- [8] The Winegrowers agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 16 November 2022



Shannon Johnston / Nicholas Jessen
Counsel for the Appellants

This document is filed by Shannon Johnston, solicitor for the appellants. The address for service of the appellants is at the offices of CR Law, Level 1, 227 Broadway Avenue, Palmerston North.

Documents for service on the appellants may be left at that address for service or:

- (a) Posted to the solicitor at PO Box 1945; or
- (b) Left for the solicitor at a document exchange for direction to DX PP80001; or
- (c) Sent by email to sjohnston@crlaw.co.nz and njessen@crlaw.co.nz.

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

ENV-2022-AKL-000206

UNDER the Resource Management Act 1991

IN THE MATTER OF an appeal under clause 14 of Schedule 1

BETWEEN **NGATI KAHUNGUNU IWI INCORPORATED**
Appellant

AND **HAWKE'S BAY REGIONAL COUNCIL**
Respondent

NOTICE OF "THE WINEGROWERS" WISH TO BE PARTY TO PROCEEDINGS

Dated: 16 November 2022



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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

TO: The Registrar

The Environment Court at Auckland

[1] Hawkes's Bay Winegrowers Association Incorporated ("**HBWG**"), Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited and Pernod Ricard Winemakers New Zealand Limited (collectively "**The Winegrowers**") wish to be a party to the following proceedings:

Ngati Kahungunu Iwi Incorporated v Hawkes Bay Regional Council ENV-2022-AKL-000206

[2] The Winegrowers made submissions about the subject matter of the proceedings.

[3] In addition, HBWG has an interest in the proceedings that is greater than the general public, because:

(a) The proceedings seek relief that will impact on the natural and physical resources of the Hawkes Bay region;

(b) HBWG is an industry representative organisation that represents the Hawke's Bay winegrowing industry;

(c) The proceedings will impact on viticulture operations within Hawke's Bay.

[4] The Winegrowers are not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.


[5] The Winegrowers are interested in part of the proceedings, being all parts of the proceedings relating to the water allocation provisions of Plan Change 9 ("**PC9**"), and particularly the parts relating to the water allocation provision framework for the Heretaunga Plains Aquifer.

[6] The Winegrowers are interested in the amendments proposed to provisions of PC9 that are likely to affect their ability to operate, maintain, upgrade and

develop vineyards, which rely on the waterbodies within the TANK catchments.

- [7] The Winegrowers oppose the relief sought because:
- (a) The relief sought may reduce the interim water allocation limit below the 90 million m³/year set out in the provisions, and water takes generally;
 - (b) It does not appropriately recognise or provide for viticulture activities and their intensification or development. This includes failing to recognise the difference between viticulture and other water users in relation to efficiency when considering allocation;
 - (c) The relief sought will result in unjustifiable constraints on existing and future viticulture operations in Hawke's Bay;
 - (d) The amendments sought to the provisions are not the most appropriate in terms of section 32 of the RMA and do not meet the purpose of the RMA as set out in Part 2.
- [8] The Winegrowers agree to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 16 November 2022



Shannon Johnston / Nicholas Jessen
Counsel for the Appellants

This document is filed by Shannon Johnston, solicitor for the appellants. The address for service of the appellants is at the offices of CR Law, Level 1, 227 Broadway Avenue, Palmerston North.

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