

**BEFORE THE ENVIRONMENT COURT AT AUCKLAND  
I MUA I TE KOOTI TAIAO O AOTEAROA**

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**ENV-2021-AKL-000105**

IN THE MATTER OF an appeal under Clause 14 of  
Schedule 1 of the Resource  
Management Act 1991

AND

IN THE MATTER OF Proposed Plan Change 7 (PC7)  
(Outstanding Water Bodies) to the  
Hawkes's Bay Regional Resource  
Management Plan (RRMP)

BETWEEN

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

Appellants

AND

**HAWKE'S BAY REGIONAL  
COUNCIL**

Respondent

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**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS PURSUANT TO  
SECTION 274 RESOURCE MANAGEMENT ACT 1991**

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Cooper Rapley Lawyers  
227-231 Broadway Avenue  
PO Box 1945  
Palmerston North  
DX PP80001



**Shannon Johnston**

06 353 5210

06 356 4345

[sjohnston@crlaw.co.nz](mailto:sjohnston@crlaw.co.nz)

**To:** The Registrar  
Environment Court  
Auckland

- [1] Hawkes Bay Winegrowers' Association Incorporated ("**HBWG**") and Pernod Ricard Winemakers New Zealand Limited (collectively, the "**Winegrowers**") give notice under s 274 of the Resource Management Act 1991 ("**RMA**") that they wish to be parties to the appeals lodged by Royal Forest and Bird Protection Society of New Zealand Incorporated against Hawke's Bay Regional Council's ("**Council**") decision on the Proposed Plan Change 7 ("**PC7**").
- [2] The Winegrowers have an interest in these proceedings that is greater than the general public. HBWG is a representative industry body for winegrowers in the Hawke's Bay region, while Pernod Ricard is a major producer of wine in the Hawke's Bay and the owner of several vineyards. HBWG members and Pernod Ricard hold resource consents granted by Council for activities in areas which may be adversely affected by the relief sought by the Appellants.
- [3] The Winegrowers made a submission and further submission on PC7 (submitters 16 and 32 respectively) and presented submissions to the Independent Hearing Panel ("**Hearing Panel**").
- [4] The Winegrowers are not trade competitors for the purposes of ss 308C or 308CA of the RMA.
- [5] The Winegrowers are interested in the proceedings generally, but in particular those parts:
- (a) Seeking the identification and protection of additional water bodies (and their outstanding values) beyond that listed in Schedule 25;
  - (b) Seeking amendments to the 'Part 1 – Outstanding Water Body Identification Screening Criteria' through the addition of new screening criteria or the deletion of the screening criteria altogether;<sup>1</sup>

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<sup>1</sup> Notice of Appeal of Forest and Bird, paragraph 7(a) and 7(g).

- (c) Requesting the inclusion of assessment criteria for identification of outstanding water bodies;<sup>2</sup>
- (d) Seeking amendments to the policy framework for new activities and existing activities;<sup>3</sup> and
- (e) Seeking amendments to when the PC7 policies would take effect, which is currently when a catchment-based plan change takes effect or 31 December 2025;<sup>4</sup> and
- (f) Involving incidental or related matters.

[6] The Winegrowers oppose the grounds and relief sought on appeal insofar as:

- (a) It would change the process of identifying and protecting outstanding water bodies and/or the outstanding waterbody list identified in Schedule 25 of the Hearing Panel's decision, including classification of the Heretaunga Plains Aquifer system and lower Ngaruroro River;
- (b) It will impact on the policy framework for new and existing activities;
- (c) It alters timeframes that presently align with the catchment-based plan change which takes effect or 31 December 2025; and
- (d) It is inconsistent with:
  - (i) the purpose and principles of the RMA;
  - (ii) the National Policy Statement for Freshwater Management;
  - (iii) the Regional Policy Statement (as a component of the RRMP);
  - (iv) section 32 of the RMA;
  - (v) the requirements of sections 63, 66 and 67 of the RMA; and
  - (vi) the Council's functions under section 30 of the RMA.

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<sup>2</sup> Notice of Appeal of Forest and Bird, at para 7(g).

<sup>3</sup> Notice of Appeal of Forest and Bird, at paragraph 7(h).

<sup>4</sup> Notice of Appeal of Forest and Bird, at paragraph 7(f).

[7] The Winegrowers agree to participate in mediation or other alternative dispute resolution.

Dated: 27 August 2021

A handwritten signature in blue ink, appearing to be 'S. Johnston', written over a horizontal line.

**Shannon Johnston**

Counsel for The Winegrowers