

## s274 Notices – Royal Forest and Bird Protection Society of NZ

Plan Change 9: TANK

<b>Appellant No.</b>	<b>Appellant Name</b>
192	Federated Farmers of New Zealand
194	Aotearoa New Zealand Fine Wine Estates
195	Hawke's Bay Winegrowers Association Inc, Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited, Pernod Ricard Winemakers New Zealand Limited (The Winegrowers);
197	Wairua Dairies Limited
198	T&G Global Limited
200	Horticulture New Zealand
203	Delegat Limited
204	Heinz Wattie's Limited
206	Ngāti Kahungunu Iwi Incorporated

**BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA**

**ENV-2022-AKL-000192**

<b>IN THE MATTER</b>	<b>of an appeal under Clause 14 of Schedule 1 of the Resource Management Act 1991</b>
<b>AND IN THE MATTER</b>	<b>Proposed Plan Change 9 (TANK) to the Hawke's Bay Regional Resource Management Plan (RRMP)</b>
<b>BETWEEN</b>	<b>Federated Farmers of New Zealand Appellant</b>
<b>AND</b>	<b>Hawke's Bay Regional Council Respondent</b>

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**NOTICE OF INTENTION BY THE ROYAL FOREST AND  
BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

Dated 15 November 2022

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**To:** The Registrar  
Environment Court  
Wellington

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) wishes to be a party to the following proceedings:
  - a. ENV-2022-AKL-000192 *Federated Farmers of New Zealand v Hawkes Bay Regional Council*
2. Forest & Bird made a submission and further submission on the proposed plan change.
3. Forest & Bird is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Forest & Bird has an interest greater than the public generally as an incorporated society with a well-known role in the protection of indigenous biodiversity.<sup>1</sup>
5. Forest & Bird is interested in all of the proceeding.
6. Forest & Bird **opposes** the relief sought in relation to all parts of the appeal. The appellant sees changes which:
  - a. are inconsistent with maintaining or enhancing water quality;
  - b. will not ensure ecosystems are safeguarded; and
  - c. do not give effect to the National Policy Statement for Freshwater Management 2020.
7. Forest & Bird agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Dated: 15 November 2022



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May Downing

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<sup>1</sup> See *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [31].

Counsel for the Royal Forest and Bird Protection Society of New Zealand Incorporated

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**BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA**

**ENV-2022-AKL-000194**

<b>IN THE MATTER</b>	<b>of an appeal under Clause 14 of Schedule 1 of the Resource Management Act 1991</b>
<b>AND IN THE MATTER</b>	<b>Proposed Plan Change 9 (TANK) to the Hawke's Bay Regional Resource Management Plan (RRMP)</b>
<b>BETWEEN</b>	<b>Aotearoa New Zealand Fine Wine Estates LP Appellant</b>
<b>AND</b>	<b>Hawke's Bay Regional Council Respondent</b>

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**NOTICE OF INTENTION BY THE ROYAL FOREST AND  
BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

Dated 15 November 2022

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**To:** The Registrar  
Environment Court  
Wellington

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) wishes to be a party to the following proceedings:
  - a. ENV-2022-AKL-000194 *Aotearoa New Zealand Fine Wine Estates LP v Hawkes Bay Regional Council*
2. Forest & Bird made a submission and further submission on the proposed plan change.
3. Forest & Bird is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Forest & Bird has an interest greater than the public generally as an incorporated society with a well-known role in the protection of indigenous biodiversity.<sup>1</sup>
5. Forest & Bird is interested in all of the proceeding.
6. Forest & Bird **opposes** the relief sought in relation to POL TANK 34, RULE TANK 8, and the definition of “Actual and Reasonable.” It is not satisfied such changes will safeguard ecosystems and ensure freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.
7. Forest & Bird agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Dated: 15 November 2022



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May Downing  
Counsel for the Royal Forest and Bird Protection Society of New Zealand Incorporated

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<sup>1</sup> See *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [31].

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**BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA**

**ENV-2022-AKL-000195**

<b>IN THE MATTER</b>	<b>of an appeal under Clause 14 of Schedule 1 of the Resource Management Act 1991</b>
<b>AND IN THE MATTER</b>	<b>Proposed Plan Change 9 (TANK) to the Hawke's Bay Regional Resource Management Plan (RRMP)</b>
<b>BETWEEN</b>	<b>Hawke's Bay Winegrowers Association Incorporated, Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited, Pernod Ricard Winemakers New Zealand Limited (The Winegrowers) Appellant</b>
<b>AND</b>	<b>Hawke's Bay Regional Council Respondent</b>

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**NOTICE OF INTENTION BY THE ROYAL FOREST AND  
BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

Dated 15 November 2022

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**To:** The Registrar  
Environment Court  
Wellington

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) wishes to be a party to the following proceedings:
  - a. ENV-2022-AKL-000195 *Hawke's Bay Winegrowers Association Incorporated, Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited, Pernod Ricard Winemakers New Zealand Limited (The Winegrowers) v Hawkes Bay Regional Council*
2. Forest & Bird made a submission and further submission on the proposed plan change.
3. Forest & Bird is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Forest & Bird has an interest greater than the public generally as an incorporated society with a well-known role in the protection of indigenous biodiversity.<sup>1</sup>
5. Forest & Bird is interested in all of the proceeding.
6. Forest & Bird **opposes** the relief sought in relation to POL TANK 34 and TANK Rule 10 (and any other related rule). Forest & Bird is not satisfied the changes ensure ecosystems are safeguarded and that freshwater is used efficiently, over-allocation is phased out and future over-allocation avoided.
7. Forest & Bird **opposes** the relief sought in relation to the definition of "Actual or Reasonable Use" and requires further particulars before it could be satisfied that other proposed changes are appropriate.

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<sup>1</sup> See *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [31].

8. Forest & Bird agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Dated: 15 November 2022



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**BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA**

**ENV-2022-AKL-000197**

<b>IN THE MATTER</b>	<b>of an appeal under Clause 14 of Schedule 1 of the Resource Management Act 1991</b>
<b>AND IN THE MATTER</b>	<b>Proposed Plan Change 9 (TANK) to the Hawke's Bay Regional Resource Management Plan (RRMP)</b>
<b>BETWEEN</b>	<b>Wairua Dairies Limited Appellant</b>
<b>AND</b>	<b>Hawke's Bay Regional Council Respondent</b>

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**NOTICE OF INTENTION BY THE ROYAL FOREST AND  
BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

Dated 15 November 2022

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**To:** The Registrar  
Environment Court  
Wellington

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) wishes to be a party to the following proceedings:
  - a. ENV-2022-WLG-197 *Wairua Dairies Limited v Hawkes Bay Regional Council*
2. Forest & Bird made a submission and further submission on the proposed plan change.
3. Forest & Bird is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Forest & Bird has an interest greater than the public generally as an incorporated society with a well-known role in the protection of indigenous biodiversity.<sup>1</sup>
5. Forest & Bird is interested in all of the proceeding.
6. Forest & Bird **opposes** the relief sought in relation to all parts of the appeal. The appellant seeks changes which are uncertain and which:
  - a. enable over-allocation to continue;
  - b. will not ensure ecosystems are safeguarded; and
  - c. do not give effect to the National Policy Statement for Freshwater Management 2020.
7. Forest & Bird agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Dated: 15 November 2022



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May Downing

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<sup>1</sup> See *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [31].

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**BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA**

**ENV-2022-AKL-000198**

<b>IN THE MATTER</b>	<b>of an appeal under Clause 14 of Schedule 1 of the Resource Management Act 1991</b>
<b>AND IN THE MATTER</b>	<b>Proposed Plan Change 9 (TANK) to the Hawke's Bay Regional Resource Management Plan (RRMP)</b>
<b>BETWEEN</b>	<b>T&amp;G Global Limited Appellant</b>
<b>AND</b>	<b>Hawke's Bay Regional Council Respondent</b>

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**NOTICE OF INTENTION BY THE ROYAL FOREST AND  
BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

Dated 15 November 2022

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**To:** The Registrar  
Environment Court  
Wellington

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) wishes to be a party to the following proceedings:
  - a. ENV-2022-WLG-000198 *T&G Global Limited v Hawkes Bay Regional Council*
2. Forest & Bird made a submission and further submission on the proposed plan change.
3. Forest & Bird is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Forest & Bird has an interest greater than the public generally as an incorporated society with a well-known role in the protection of indigenous biodiversity.<sup>1</sup>
5. Forest & Bird is interested in all of the proceeding.
6. Forest & Bird **opposes** the relief sought in relation to POL TANK 34(d) and the definition of 'Actual and Reasonable'. The appellant sees changes are uncertain and which:
  - a. enable over-allocation to continue;
  - b. will not ensure ecosystems are safeguarded; and
  - c. do not give effect to the National Policy Statement for Freshwater Management 2020.
7. Forest & Bird agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Dated: 15 November 2022



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May Downing

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<sup>1</sup> See *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [31].

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**BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA**

**ENV-2022-AKL-000200**

<b>IN THE MATTER</b>	<b>of an appeal under Clause 14 of Schedule 1 of the Resource Management Act 1991</b>
<b>AND IN THE MATTER</b>	<b>Proposed Plan Change 9 (TANK) to the Hawke's Bay Regional Resource Management Plan (RRMP)</b>
<b>BETWEEN</b>	<b>Horticulture New Zealand Appellant</b>
<b>AND</b>	<b>Hawke's Bay Regional Council Respondent</b>

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**NOTICE OF INTENTION BY THE ROYAL FOREST AND  
BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

Dated 15 November 2022

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**To:** The Registrar  
Environment Court  
Wellington

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) wishes to be a party to the following proceedings:
  - a. ENV-2022-AKL-000200 *Horticulture New Zealand v Hawkes Bay Regional Council*
2. Forest & Bird made a submission and further submission on the proposed plan change.
3. Forest & Bird is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Forest & Bird has an interest greater than the public generally as an incorporated society with a well-known role in the protection of indigenous biodiversity.<sup>1</sup>
5. Forest & Bird is interested in all of the proceeding.
6. Forest & Bird **opposes** the relief sought in relation to POL TANK 35, TANK 7, TANK 8, TANK 9, and TANK 10. The appellant sees changes which:
  - a. enable over-allocation to continue;
  - b. are inconsistent with maintaining or enhancing water quality;
  - c. will not ensure ecosystems are safeguarded; and
  - d. do not give effect to the National Policy Statement for Freshwater Management 2020.
7. Forest & Bird **opposes** the relief sought in relation to Schedule 28 and requires further particulars before it could be satisfied that other proposed changes are appropriate.
8. Forest & Bird agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Dated: 15 November 2022

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<sup>1</sup> See *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [31].



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**BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA**

**ENV-2022-AKL-000203**

<b>IN THE MATTER</b>	<b>of an appeal under Clause 14 of Schedule 1 of the Resource Management Act 1991</b>
<b>AND IN THE MATTER</b>	<b>Proposed Plan Change 9 (TANK) to the Hawke's Bay Regional Resource Management Plan (RRMP)</b>
<b>BETWEEN</b>	<b>Delegat Appellant</b>
<b>AND</b>	<b>Hawke's Bay Regional Council Respondent</b>

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**NOTICE OF INTENTION BY THE ROYAL FOREST AND  
BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

Dated 15 November 2022

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**To:** The Registrar  
Environment Court  
Wellington

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) wishes to be a party to the following proceedings:
  - a. ENV-2022-AKL-000203 *Delegat v Hawkes Bay Regional Council*
2. Forest & Bird made a submission and further submission on the proposed plan change.
3. Forest & Bird is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Forest & Bird has an interest greater than the public generally as an incorporated society with a well-known role in the protection of indigenous biodiversity.<sup>1</sup>
5. Forest & Bird is interested in all of the proceeding.
6. Forest & Bird **opposes** the relief sought in relation to POL TANK 34 and the definition of “Actual and Reasonable.” It is not satisfied such changes will safeguard ecosystems and ensure freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.
7. Forest & Bird agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Dated: 15 November 2022



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May Downing  
Counsel for the Royal Forest and Bird Protection Society of New Zealand Incorporated

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<sup>1</sup> See *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [31].

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**BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA**

**ENV-2022-AKL-000204**

<b>IN THE MATTER</b>	<b>of an appeal under Clause 14 of Schedule 1 of the Resource Management Act 1991</b>
<b>AND IN THE MATTER</b>	<b>Proposed Plan Change 9 (TANK) to the Hawke's Bay Regional Resource Management Plan (RRMP)</b>
<b>BETWEEN</b>	<b>Heinz Wattie's Limited Appellant</b>
<b>AND</b>	<b>Hawke's Bay Regional Council Respondent</b>

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**NOTICE OF INTENTION BY THE ROYAL FOREST AND  
BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

Dated 15 November 2022

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**To:** The Registrar  
Environment Court  
Wellington

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) wishes to be a party to the following proceedings:
  - a. ENV-2022-AKL-000204 *Heinz Wattie's Limited v Hawkes Bay Regional Council*
2. Forest & Bird made a submission and further submission on the proposed plan change.
3. Forest & Bird is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Forest & Bird has an interest greater than the public generally as an incorporated society with a well-known role in the protection of indigenous biodiversity.<sup>1</sup>
5. Forest & Bird is interested in all of the proceeding.
6. Forest & Bird **opposes** the relief sought in relation all parts of the appeal. The appellant sees changes which are uncertain and which:
  - a. enable over-allocation to continue;
  - b. will not ensure ecosystems are safeguarded; and
  - c. do not give effect to the National Policy Statement for Freshwater Management 2020.
7. Forest & Bird agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Dated: 15 November 2022



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May Downing

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<sup>1</sup> See *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [31].



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**BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON**

**I MUA I TE KOOTI TAIAO O AOTEAROA  
KI TE WHANGANUI-A-TARA**

**ENV-2022-AKL-000206**

<b>IN THE MATTER</b>	<b>of an appeal under Clause 14 of Schedule 1 of the Resource Management Act 1991</b>
<b>AND IN THE MATTER</b>	<b>Proposed Plan Change 9 (TANK) to the Hawke's Bay Regional Resource Management Plan (RRMP)</b>
<b>BETWEEN</b>	<b>Ngāti Kahungunu Iwi Incorporated Appellant</b>
<b>AND</b>	<b>Hawke's Bay Regional Council Respondent</b>

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**NOTICE OF INTENTION BY THE ROYAL FOREST AND  
BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED**

Dated 15 November 2022

---

**To:** The Registrar  
Environment Court  
Wellington

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) wishes to be a party to the following proceedings:
  - a. ENV-2022-AKL-000206 *Ngāti Kahungunu Iwi Incorporated v Hawkes Bay Regional Council*
2. Forest & Bird made a submission and further submission on the proposed plan change.
3. Forest & Bird is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. Forest & Bird has an interest greater than the public generally as an incorporated society with a well-known role in the protection of indigenous biodiversity.<sup>1</sup>
5. Forest & Bird is interested in all of the proceeding.
6. Forest & Bird **supports** the relief sought in relation to all parts of the appeal on the basis that the changes sought are necessary to ensure that:
  - a. water quality is maintained or improved, and ecosystems safeguarded; and
  - b. to give effect to the National Policy Statement for Freshwater Management 2020.
7. Forest & Bird agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Dated: 15 November 2022



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May Downing

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<sup>1</sup> See *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [31].

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