

s274 Notices – Mr Apple New Zealand Limited

Plan Change 9: TANK

Appellant No.	Appellant Name
193	Te Taiwhenua o Heretaunga
196	Royal Forest and Bird Protection Society of New Zealand
198	T&G Global Limited
200	Horticulture New Zealand
204	Heinz Wattie's Limited
206	Ngāti Kahungunu Iwi Incorporated

IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2022-AKL-000

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

UNDER THE Resource Management Act 1991 (“Act”)
IN THE MATTER OF An appeal under Schedule 1, Clause 14(1), of the Act
BETWEEN **TE TAIWHENUA O HERETAUNGA**
Appellant
AND **HAWKE’S BAY REGIONAL COUNCIL**
Respondent

**NOTICE OF WISH BY MR APPLE NEW ZEALAND LIMITED
TO BE PARTY TO PROCEEDINGS:**

18 NOVEMBER 2022

MrAPPLE^{NZ}

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Station Road, Whakatu, Hawkes Bay

PO Box 42 Hawke’s Bay 4161, New Zealand

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- TO:** The Registrar
Environment Court
- AND TO:** The Appellant
- AND TO:** The Respondent
- AND TO:** Other section 274 Parties

Wish to be party

1. Mr Apple New Zealand Limited ("**Mr Apple**") wishes to be a party to the following proceedings:

Te Taiwhenua o Heretaunga v Hawke's Bay Regional Council (ENV-2022-AKL-XX) being an appeal against decisions of the Hawke's Bay Regional Council on the Proposed Plan Change 9 to the Hawke's Bay Regional Resource Management Plan (**TANK Plan Change / PC9**).

(Appeal)

2. The Appeal challenges the decision by the Hawke's Bay Regional Council in a number of ways, including seeking to amend Policy TANK 34 (and other parts of PC9) to replace '90 Million cubic metres' with '70 Million cubic metres' and include all quantities of groundwater used for stream or flow mitigation within this limit.

Interest

3. Mr Apple made a submission on PC9.
4. In addition, Mr Apple, as has an interest in the proceedings greater than the general public has, given that:
- (a) Mr Apple is Hawke's Bay's largest vertically integrated apple company and that it employs over 2,200 people during peak harvest and packing.
 - (b) Mr Apple has over 50 separate orchard locations in 15 sectors, with about 1,200 net planted hectares on the Heretaunga and Ruataniwha Plains.
 - (c) Each of the sectors vary in size from 60 hectares to over 120 hectares.
 - (d) Mr Apple's business is run as "one orchard", in that efficiency decisions (e.g. use of labour, water use, etc) are made by Mr Apple in considering all of its interests as a whole.
 - (e) In light of all of the above, Mr Apple stands to be directly affected by the outcome of the Appeal.

No prohibited trade competition purposes

5. Mr Apple is not a trade competitor for the purposes of the Act.

Extent of interest

6. Mr Apple participated through the PC9 process.
7. Mr Apple is interested in all aspects of the Appeal, but is particularly interested in that part seeking to replace '90 Million cubic metres' with '70 Million cubic metres' and include all quantities of groundwater used for stream or flow mitigation within this limit.

Relief sought

8. Mr Apple:
- (a) opposes the relief sought in the Appeal; and
 - (b) ultimately, seeks an outcome that meets the sustainable management purpose of the Act, and gives effect to the relevant "superior" planning instruments as required under the Act;
 - (c) seeks any necessary consequential or other relief; and
 - (d) seeks costs of and in respect of its participation in the proceedings.

Mediation

9. Mr Apple agrees to participate in mediation or other alternative dispute resolution of the proceeding.

DATED 18 November 2022



Gary Jones
Regulatory Affairs, Mr Apple

Mr Apple's address for service is c/- Gary Jones, Regulatory Affairs, Mr Apple, Station Road, Whakatu, Hawkes Bay, PO Box 42 Hawke's Bay 4161, New Zealand.

Documents for service on Mr Apple should however be emailed to gary.jones@mrapple.com. Where formal service of any document is required, service should only be considered complete and/or effective when receipt of that email is acknowledged.

IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2022-AKL-000196

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

UNDER THE

Resource Management Act 1991 (“Act”)

IN THE MATTER OF

An appeal under Schedule 1, Clause 14(1), of the
Act

BETWEEN

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

Appellant

AND

HAWKE’S BAY REGIONAL COUNCIL

Respondent

**NOTICE OF WISH BY MR APPLE NEW ZEALAND LIMITED
TO BE PARTY TO PROCEEDINGS:**

18 NOVEMBER 2022

MrAPPLE^{NZ}

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TO: The Registrar
Environment Court

AND TO: The Appellant

AND TO: The Respondent

AND TO: Other section 274 Parties

Wish to be party

1. Mr Apple New Zealand Limited ("**Mr Apple**") wishes to be a party to the following proceedings:

Royal Forest and Bird Protection Society of New Zealand Incorporated v Hawke's Bay Regional Council (ENV-2022-AKL-196) being an appeal against decisions of the Hawke's Bay Regional Council on the Proposed Plan Change 9 to the Hawke's Bay Regional Resource Management Plan (**TANK Plan Change / PC9**).

(Appeal)

2. The Appeal challenges the decision by the Hawke's Bay Regional Council as it relates to protection of indigenous biodiversity, water bodies, maintenance and enhancement of freshwater quality and quantity and effects on the coastal environment.

Interest

3. Mr Apple made a submission on PC9.
4. In addition, Mr Apple, as has an interest in the proceedings greater than the general public has, given that:
 - (a) Mr Apple is Hawke's Bay's largest vertically integrated apple company and that it employs over 2,200 people during peak harvest and packing.
 - (b) Mr Apple has over 50 separate orchard locations in 15 sectors, with about 1,200 net planted hectares on the Heretaunga and Ruataniwha Plains.
 - (c) Each of the sectors vary in size from 60 hectares to over 120 hectares.
 - (d) Mr Apple's business is run as "one orchard", in that efficiency decisions (e.g. use of labour, water use, etc) are made by Mr Apple in considering all of its interests as a whole.
 - (e) In light of all of the above, Mr Apple stands to be directly affected by the outcome of the Appeal.

No prohibited trade competition purposes

5. Mr Apple is not a trade competitor for the purposes of the Act.

Extent of interest

6. Mr Apple participated through the PC9 process.
7. Mr Apple is interested in all aspects of the Appeal, but is particularly interested in that part seeking a 50 million m³ limit for the aquifer.

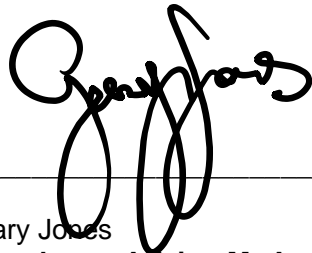
Relief sought

8. Mr Apple:
- (a) opposes the relief sought in the Appeal; and
 - (b) ultimately, seeks an outcome that meets the sustainable management purpose of the Act, and gives effect to the relevant "superior" planning instruments as required under the Act;
 - (c) seeks any necessary consequential or other relief; and
 - (d) seeks costs of and in respect of its participation in the proceedings.

Mediation

9. Mr Apple agrees to participate in mediation or other alternative dispute resolution of the proceeding.

DATED 18 November 2022



Gary Jones
Regulatory Affairs, Mr Apple

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IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2022-AKL-000198

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

UNDER THE Resource Management Act 1991 (“Act”)
IN THE MATTER OF An appeal under Schedule 1, Clause 14(1), of the Act
BETWEEN **T&G GLOBAL LIMITED**
Appellant
AND **HAWKE’S BAY REGIONAL COUNCIL**
Respondent

**NOTICE OF WISH BY MR APPLE NEW ZEALAND LIMITED
TO BE PARTY TO PROCEEDINGS:**

18 NOVEMBER 2022

MrAPPLE^{NZ}

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TO: The Registrar
Environment Court

AND TO: The Appellant

AND TO: The Respondent

AND TO: Other section 274 Parties

Wish to be party

1. Mr Apple New Zealand Limited ("**Mr Apple**") wishes to be a party to the following proceedings:

T&G Global Limited v Hawke's Bay Regional Council (ENV-2022-AKL-198) being an appeal against decisions of the Hawke's Bay Regional Council on the Proposed Plan Change 9 to the Hawke's Bay Regional Resource Management Plan (**TANK Plan Change / PC9**).

(Appeal)

2. The Appeal challenges the decision by the Hawke's Bay Regional Council as it relates to:
 - (a) POL TANK 34(d); and
 - (b) The definition of "actual and reasonable".

Interest

3. Mr Apple made a submission on PC9.
4. In addition, Mr Apple, as has an interest in the proceedings greater than the general public has, given that:
 - (a) Mr Apple is Hawke's Bay's largest vertically integrated apple company and that it employs over 2,200 people during peak harvest and packing.
 - (b) Mr Apple has over 50 separate orchard locations in 15 sectors, with about 1,200 net planted hectares on the Heretaunga and Ruataniwha Plains.
 - (c) Each of the sectors vary in size from 60 hectares to over 120 hectares.
 - (d) Mr Apple's business is run as "one orchard", in that efficiency decisions (e.g. use of labour, water use, etc) are made by Mr Apple in considering all of its interests as a whole.
 - (e) In light of all of the above, Mr Apple stands to be directly affected by the outcome of the Appeal.

No prohibited trade competition purposes

5. Mr Apple is not a trade competitor for the purposes of the Act.

Extent of interest

6. Mr Apple participated through the PC9 process.
7. Mr Apple is interested in all aspects of the Appeal, given its interest in programmed and staged development, and the definition of “actual and reasonable” use.

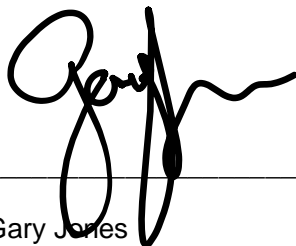
Relief sought

8. Mr Apple:
- (a) supports the relief sought in the Appeal; and
 - (b) ultimately, seeks an outcome that meets the sustainable management purpose of the Act, and gives effect to the relevant “superior’ planning instruments as required under the Act;
 - (c) seeks any necessary consequential or other relief; and
 - (d) seeks costs of and in respect of its participation in the proceedings.

Mediation

9. Mr Apple agrees to participate in mediation or other alternative dispute resolution of the proceeding.

DATED 18 November 2022



Gary Jones
Regulatory Affairs, Mr Apple

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IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2022-AKL-000

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

UNDER THE Resource Management Act 1991 (“Act”)
IN THE MATTER OF An appeal under Schedule 1, Clause 14(1), of the Act
BETWEEN **HORTICULTURE NEW ZEALAND**
Appellant
AND **HAWKE’S BAY REGIONAL COUNCIL**
Respondent

**NOTICE OF WISH BY MR APPLE NEW ZEALAND LIMITED
TO BE PARTY TO PROCEEDINGS:**

18 NOVEMBER 2022

MrAPPLE^{NZ}

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TO: The Registrar
Environment Court

AND TO: The Appellant

AND TO: The Respondent

AND TO: Other section 274 Parties

Wish to be party

1. Mr Apple New Zealand Limited ("**Mr Apple**") wishes to be a party to the following proceedings:

Horticulture New Zealand v Hawke's Bay Regional Council (ENV-2022-AKL-XX) being an appeal against decisions of the Hawke's Bay Regional Council on the Proposed Plan Change 9 to the Hawke's Bay Regional Resource Management Plan (**TANK Plan Change / PC9**).

(Appeal)

2. The Appeal challenges the decision by the Hawke's Bay Regional Council as it relates to source protection zones, the proposed land use change framework, provisions for rootstock survival water, the policy and rule governing new takes, and provisions related to stream flow maintenance and habitat enhancement schemes.

Interest

3. Mr Apple made a submission on PC9.
4. In addition, Mr Apple, as has an interest in the proceedings greater than the general public has, given that:
- (a) Mr Apple is Hawke's Bay's largest vertically integrated apple company and that it employs over 2,200 people during peak harvest and packing.
 - (b) Mr Apple has over 50 separate orchard locations in 15 sectors, with about 1,200 net planted hectares on the Heretaunga and Ruataniwha Plains.
 - (c) Each of the sectors vary in size from 60 hectares to over 120 hectares.
 - (d) Mr Apple's business is run as "one orchard", in that efficiency decisions (e.g. use of labour, water use, etc) are made by Mr Apple in considering all of its interests as a whole.
 - (e) In light of all of the above, Mr Apple stands to be directly affected by the outcome of the Appeal.

No prohibited trade competition purposes

5. Mr Apple is not a trade competitor for the purposes of the Act.

Extent of interest

6. Mr Apple participated through the PC9 process. As a member of Hort NZ, Mr Apple supported Hort NZ's case, but focused its efforts on the matters of most concern to it.
7. Mr Apple is interested in all aspects of the Appeal.

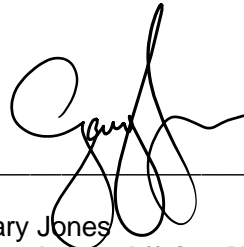
Relief sought

8. Mr Apple:
- (a) supports the relief sought in the Appeal; and
 - (b) ultimately, seeks an outcome that meets the sustainable management purpose of the Act, and gives effect to the relevant "superior" planning instruments as required under the Act;
 - (c) seeks any necessary consequential or other relief; and
 - (d) seeks costs of and in respect of its participation in the proceedings.

Mediation

9. Mr Apple agrees to participate in mediation or other alternative dispute resolution of the proceeding.

DATED 18 November 2022



Gary Jones
Regulatory Affairs, Mr Apple

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IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2022-AKL-000

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

UNDER THE Resource Management Act 1991 (“Act”)
IN THE MATTER OF An appeal under Schedule 1, Clause 14(1), of the Act
BETWEEN **HEINZ WATTIE’S LIMITED**
Appellant
AND **HAWKE’S BAY REGIONAL COUNCIL**
Respondent

**NOTICE OF WISH BY MR APPLE NEW ZEALAND LIMITED
TO BE PARTY TO PROCEEDINGS:**

18 NOVEMBER 2022

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TO: The Registrar
Environment Court

AND TO: The Appellant

AND TO: The Respondent

AND TO: Other section 274 Parties

Wish to be party

1. Mr Apple New Zealand Limited ("**Mr Apple**") wishes to be a party to the following proceedings:

Heinz Wattie's Limited v Hawke's Bay Regional Council (ENV-2022-AKL-XX) being an appeal against decisions of the Hawke's Bay Regional Council on the Proposed Plan Change 9 to the Hawke's Bay Regional Resource Management Plan (**TANK Plan Change / PC9**).

(Appeal)

2. The Appeal challenges the decision by the Hawke's Bay Regional Council as it relates to:
- (a) POL TANK 34(d); and
 - (b) The provisions regarding water storage, use and reticulation.

Interest

3. Mr Apple made a submission on PC9.
4. In addition, Mr Apple, as has an interest in the proceedings greater than the general public has, given that:
- (a) Mr Apple is Hawke's Bay's largest vertically integrated apple company and that it employs over 2,200 people during peak harvest and packing.
 - (b) Mr Apple has over 50 separate orchard locations in 15 sectors, with about 1,200 net planted hectares on the Heretaunga and Ruataniwha Plains.
 - (c) Each of the sectors vary in size from 60 hectares to over 120 hectares.
 - (d) Mr Apple's business is run as "one orchard", in that efficiency decisions (e.g. use of labour, water use, etc) are made by Mr Apple in considering all of its interests as a whole.
 - (e) In light of all of the above, Mr Apple stands to be directly affected by the outcome of the Appeal.

No prohibited trade competition purposes

5. Mr Apple is not a trade competitor for the purposes of the Act.

Extent of interest

6. Mr Apple participated through the PC9 process.
7. Mr Apple is interested in all aspects of the Appeal, but is particularly interested in that part relating to POL TANK 34(d), and the definition and use of “actual and reasonable” use in that policy.

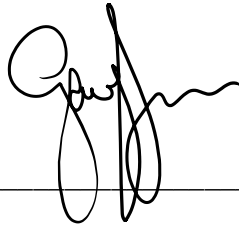
Relief sought

8. Mr Apple:
- (a) supports the relief sought in the Appeal; and
 - (b) ultimately, seeks an outcome that meets the sustainable management purpose of the Act, and gives effect to the relevant “superior’ planning instruments as required under the Act;
 - (c) seeks any necessary consequential or other relief; and
 - (d) seeks costs of and in respect of its participation in the proceedings.

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DATED 18 November 2022



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Regulatory Affairs, Mr Apple

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IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2022-AKL-000

I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU

UNDER THE Resource Management Act 1991 (“Act”)
IN THE MATTER OF An appeal under Schedule 1, Clause 14(1), of the Act
BETWEEN **NGĀTI KAHUNGUNU IWI INCORPORATED**
Appellant
AND **HAWKE’S BAY REGIONAL COUNCIL**
Respondent

**NOTICE OF WISH BY MR APPLE NEW ZEALAND LIMITED
TO BE PARTY TO PROCEEDINGS:**

18 NOVEMBER 2022

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TO: The Registrar
Environment Court

AND TO: The Appellant

AND TO: The Respondent

AND TO: Other section 274 Parties

Wish to be party

1. Mr Apple New Zealand Limited ("**Mr Apple**") wishes to be a party to the following proceedings:

Ngāti Kahungunu Iwi Incorporated v Hawke's Bay Regional Council (ENV-2022-AKL-XX) being an appeal against decisions of the Hawke's Bay Regional Council on the Proposed Plan Change 9 to the Hawke's Bay Regional Resource Management Plan (**TANK Plan Change / PC9**).

(Appeal)

2. The Appeal challenges the decision by the Hawke's Bay Regional Council as it relates to various issues of allocation, abstraction, and water quality.

Interest

3. Mr Apple made a submission on PC9.
4. In addition, Mr Apple, as has an interest in the proceedings greater than the general public has, given that:
- (a) Mr Apple is Hawke's Bay's largest vertically integrated apple company and that it employs over 2,200 people during peak harvest and packing.
 - (b) Mr Apple has over 50 separate orchard locations in 15 sectors, with about 1,200 net planted hectares on the Heretaunga and Ruataniwha Plains.
 - (c) Each of the sectors vary in size from 60 hectares to over 120 hectares.
 - (d) Mr Apple's business is run as "one orchard", in that efficiency decisions (e.g. use of labour, water use, etc) are made by Mr Apple in considering all of its interests as a whole.
 - (e) In light of all of the above, Mr Apple stands to be directly affected by the outcome of the Appeal.

No prohibited trade competition purposes

5. Mr Apple is not a trade competitor for the purposes of the Act.

Extent of interest

6. Mr Apple participated through the PC9 process.
7. Mr Apple is interested in all aspects of the Appeal, but is particularly interested in that part seeking a 70 million m³ limit for the aquifer.

Relief sought

8. Mr Apple:
 - (a) opposes the relief sought in the Appeal; and
 - (b) ultimately, seeks an outcome that meets the sustainable management purpose of the Act, and gives effect to the relevant "superior" planning instruments as required under the Act;
 - (c) seeks any necessary consequential or other relief; and
 - (d) seeks costs of and in respect of its participation in the proceedings.

Mediation

9. Mr Apple agrees to participate in mediation or other alternative dispute resolution of the proceeding.

DATED 18 November 2022



Gary Jones
Regulatory Affairs, Mr Apple

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