

s274 Notices – Delegat Limited

Plan Change 9: TANK

| Appellant No. | Appellant Name |
|----------------------|--|
| 193 | [Late] Te Taiwhenua o Heretaunga |
| 194 | [Late] Aotearoa New Zealand Fine Wine Estates |
| 195 | [Late] Hawke's Bay Winegrowers Association Inc, Gimblett Gravels Winegrowers Association Incorporated, Villa Maria Estate Limited, Pernod Ricard Winemakers New Zealand Limited (The Winegrowers); |
| 196 | [Late] Royal Forest and Bird Protection Society of New Zealand |
| 197 | [Late] Wairua Dairies Limited |

**In the Environment Court
at Auckland**

**I Mua I Te Kōoti Taiao o Aotearoa
Ki Tamaki Makaurau**

ENV-2022-AKL-000193

In the matter of the Resource Management Act 1991
(**RMA**)

and

In the matter of An appeal pursuant to Section 14(1) of
Schedule 1 of the RMA

Between **Te Taiwhenua o Heretaunga**
Appellant

And **Hawke's Bay Regional Council**
Respondent

**Notice of Delegat Limited's wish to become a party to proceedings
pursuant to s274 RMA**

16 November 2022

Sainsbury Logan & Williams
Solicitors
Cnr Tennyson Street and Cathedral Lane
Napier
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DX MP70039
Direct dial (06) 833 7844
Email: ljb@slw.co.nz
Ref: Lara Blomfield

To The Registrar
Environment Court
AUCKLAND

1 Delegat Limited (**Delegat**) wishes to be a party to the appeal by Te
Taiwhenua o Heretaunga (**TToH**) on the Hawke's Bay Regional
Council's decision on Proposed Plan Change 9 (Tūtaekurī, Ahuriri,
Ngaruroro and Karamū catchments).

2 Delegat made a submission on Proposed Plan Change 9.

3 Delegat is not a trade competitor for the purposes of section 308C or
308CA of the Act.

4 Delegat is interested in part of the proceedings.

5 Delegat opposes the following relief sought in TToH's appeal:

5.1 The deletion of the term 'Actual and Reasonable' from the
glossary and from objectives, policies, rules, schedules and
assessment criteria in Plan Change 9 because without it there is
no basis to decide how much water should be allocated to
existing users.

5.2 Requiring tangata whenua parties to be notified as affected
parties in all applications for existing and new consents to take
water for irrigation. This relief is opposed because decisions
about affected parties should be made in accordance with the
RMA.

5.3 Seeking the imposition of a ten year consent duration limit. A
ten year consent duration will be too short whereas a 15 year
consent duration provides a balance between certainty for water
users who may need to invest in infrastructure to utilise their
consent, and flexibility for changes to respond to environmental
needs.

6 Delekat agrees to participate in mediation or other alternative dispute resolution of the proceedings.

16 November 2022



Lara Blomfield
Counsel for Delekat Limited

Address for service of Delekat Limited

The address for service of Delekat Limited is at the offices of its solicitor Lara Jane Blomfield, Sainsbury Logan & Williams, 61 Tennyson Street, Napier. Documents may be served upon Delekat Limited at that address or by way of PO Box 41, Napier and by email at ljb@slw.co.nz.

**In the Environment Court
at Auckland**

**I Mua I Te Kōoti Taiao o Aotearoa
Ki Tamaki Makaurau**

ENV-2022-AKL-000194

In the matter of the Resource Management Act 1991
(**RMA**)

and

In the matter of An appeal pursuant to Section 14(1) of
Schedule 1 of the RMA

Between **Aotearoa New Zealand Fine Wine
Estates LP**

Appellant

And **Hawke's Bay Regional Council**

Respondent

**Notice of Delegat Limited's wish to become a party to proceedings
pursuant to s274 RMA**

16 November 2022

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LJB-014888-16-224-V1

To The Registrar
Environment Court
AUCKLAND

1 Delegat Limited (**Delegat**) wishes to be a party to the appeal by Aotearoa New Zealand Fine Wine Estates LP on the Hawke's Bay Regional Council's decision on Proposed Plan Change 9 (Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments).

2 Delegat made a submission on Proposed Plan Change 9.

3 Delegat is not a trade competitor for the purposes of section 308C or 308CA of the Act.

4 Delegat is interested in all of the proceedings.

5 Delegat generally supports the relief sought in relation to POL TANK 34, RULE TANK 8 and the definition of 'Actual and Reasonable' because:

5.1 POL TANK 34 in its current form is unnecessarily restrictive.

5.2 Not all water permits or associated resource consents for programmed or staged developments will specify that those permits or consents were granted on that basis.

5.3 For consistency RULE TANK 8 and the definition of 'Actual and Reasonable' should be amended to enable the allocation of water for programmed or staged but as yet unimplemented primary production development.

6 Delegat agrees to participate in mediation or other alternative dispute resolution of the proceedings.

16 November 2022



Lara Blomfield
Counsel for Delegat Limited

LJB-014888-16-224-V1

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**In the Environment Court
at Auckland**

**I Mua I Te Kōoti Taiao o Aotearoa
Ki Tamaki Makaurau**

ENV-2022-AKL-000195

In the matter of the Resource Management Act 1991
(**RMA**)

and

In the matter of An appeal pursuant to Section 14(1) of
Schedule 1 of the RMA

Between **Hawke's Bay Winegrowers
Association Incorporated & Others**

Appellant

And **Hawke's Bay Regional Council**

Respondent

**Notice of Delegat Limited's wish to become a party to proceedings
pursuant to s274 RMA**

16 November 2022

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LJB-014888-16-225-V1

To The Registrar
Environment Court
AUCKLAND

1 Delegat Limited (**Delegat**) wishes to be a party to the appeal by Hawke's Bay Winegrowers Association & Others (**Winegrowers**) on the Hawke's Bay Regional Council's decision on Proposed Plan Change 9 (Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments).

2 Delegat made a submission on Proposed Plan Change 9.

3 Delegat is not a trade competitor for the purposes of section 308C or 308CA of the Act.

4 Delegat is interested in part of the proceedings.

5 Delegat generally supports the relief sought because:


5.1 The Decision locks in very low water usage for the most efficient users – viticulture – and enables little opportunity for intensification or development of viticulture in more efficient and sustainable ways.

5.2 The current definition of 'Actual and Reasonable' does not appear to enable the allocation of water for programmed or staged but as yet unimplemented primary production development.

5.3 The amendments sought at paragraph 13(c)(ii) and (iii) of Winegrowers' appeal is an improvement on the current wording and allows site specific considerations to be taken into account in applying the IRRICALC model.

6 Delekat agrees to participate in mediation or other alternative dispute resolution of the proceedings.

16 November 2022



Lara Blomfield
Counsel for Delekat Limited

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In the Environment Court
at Auckland

I Mua I Te Kōoti Taiao o Aotearoa
Ki Tamaki Makaurau

ENV-2022-AKL-000196

In the matter of the Resource Management Act 1991
(RMA)

and

In the matter of An appeal pursuant to Section 14(1) of
Schedule 1 of the RMA

Between **Royal Forest and Bird Protection
Society of New Zealand
Incorporated**

Appellant

And **Hawke's Bay Regional Council**

Respondent

**Notice of Delegat Limited's wish to become a party to proceedings
pursuant to s274 RMA**

16 November 2022

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LJB-014888-16-226-V1

To The Registrar
Environment Court
AUCKLAND

- 1 Delegat Limited (**Delegat**) wishes to be a party to the appeal by the Royal Forest and Bird Protection Society of New Zealand Inc (**Forest & Bird**) on the Hawke's Bay Regional Council's decision on Proposed Plan Change 9 (Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments).
- 2 Delegat made a submission on Proposed Plan Change 9.
- 3 Delegat is not a trade competitor for the purposes of section 308C or 308CA of the Act.
- 4 Delegat is interested in part of the proceedings.
- 5 Delegat generally opposes the relief sought in relation to Policy TANK 34 for the reasons set out at paragraph 8-15 of Delegat's appeal.
- 6 Delegat agrees to participate in mediation or other alternative dispute resolution of the proceedings.

16 November 2022



Lara Blomfield
Counsel for Delegat Limited

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In the Environment Court
at Auckland

I Mua I Te Kōoti Taiao o Aotearoa
Ki Tamaki Makaurau

ENV-2022-AKL-000197

In the matter of the Resource Management Act 1991
(RMA)

and

In the matter of An appeal pursuant to Section 14(1) of
Schedule 1 of the RMA

Between **Wairua Dairies Limited**

Appellant

And **Hawke's Bay Regional Council**

Respondent

**Notice of Delegat Limited's wish to become a party to proceedings
pursuant to s274 RMA**

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To The Registrar
Environment Court
AUCKLAND

- 1 Delegat Limited (**Delegat**) wishes to be a party to the appeal by Wairua Dairies Ltd on the Hawke's Bay Regional Council's decision on Proposed Plan Change 9 (Tūtaekurī, Ahuriri, Ngaruroro and Karamū catchments).
- 2 Delegat made a submission on Proposed Plan Change 9.
- 3 Delegat is not a trade competitor for the purposes of section 308C or 308CA of the Act.
- 4 Delegat is interested in part of the proceedings.
- 5 Delegat generally supports the relief sought in relation to Policy TANK 50 for the reasons set out at paragraphs 8-15 of Delegat's appeal (which concern a similar provision in Policy TANK 34).
- 6 Delegat agrees to participate in mediation or other alternative dispute resolution of the proceedings.

16 November 2022



Lara Blomfield
Counsel for Delegat Limited

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