

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

ENV-2021-AKL-000104

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

**TE TAIWHENUA O HERETAUNGA,
TE RUNANGANUI O
HERETAUNGA, TE MANAAKI
TAIAO O HERETAUNGA AND
NGĀTI KAHUNGUNU IWI
INCORPORATED**

Appellants

AND

**HAWKE'S BAY REGIONAL
COUNCIL**

Respondent

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



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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 appeal lodged by Te Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngāti Kahunguni Iwi 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) Asking for the Heretaunga Plains Aquifer system and lower Ngaruroro River included in Schedule 25;¹

¹ Notice of Appeal of Taiwhenua o Heretaunga, Te Runanganui o Heretaunga, Te Manaaki Taiao o Heretaunga and Ngāti Kahungunu Iwi Inc, paragraph 7(d).

- (b) Requesting the inclusion of provisions for the identification and protection of additional water bodies beyond that listed in Schedule 25, generally;
- (c) 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;² and
- (d) Seeking amendments to the 'screening criteria' so that one regionally outstanding value would be sufficient to qualify a water body as outstanding;³ and
- (e) 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 on 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;

² As above, paragraph 7(g).

³ As above, paragraph 7(g).

(v) the requirements of sections 63, 66 and 67 of the RMA; and

(vi) the Council's functions under section 30 of the RMA.

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

Dated: 27 August 2021



Shannon Johnston

Counsel for The Winegrowers