

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

**I MUA I TE KŌTI I TAIAO O AOTEAROA
TE WHANGANUI-Ā-TARA ROHE**

ENV-2023-WLG-

UNDER THE Resource Management Act 1991 (**the Act**)

IN THE MATTER of an appeal under clause 14 of Schedule 1 of the Act

BETWEEN **WATER HOLDINGS HAWKES BAY LIMITED and TUKITUKI
WATER SECURITY PROJECT**

Appellants

AND **CENTRAL HAWKE'S BAY DISTRICT COUNCIL**

Respondent

NOTICE OF APPEAL AGAINST DECISION ON PROPOSED PLAN

Dated: 6 JULY 2023

Counsel acting:
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1. Water Holdings Hawkes Bay Limited and Tukituki Water Security Project (**the Appellants**) appeal against a decision of the Central Hawke's Bay District Council (**the Respondent**) on the proposed Central Hawke's Bay District Plan (**the Proposed Plan**).
2. The Appellants made further submissions on the Proposed Plan.
3. The Appellants are not trade competitors for the purposes of section 308D of the Act.
4. The Appellants received notice of the decision on 25 May 2023.
5. The decision was made by Central Hawke's Bay District Council.
6. The decision that the Appellants are appealing against is the deletion of Policy NFL-P5 (**the policy**) which is:

To recognise the regional social and economic significance of water storage within ONF-4 (Mākāroro Gorge).

7. The reasons for the appeal are:
 - (a) the policy serves a valid and important resource management purpose and appropriately recognises the significance of providing for water storage and security in the district and region;
 - (b) the policy enables the social, economic and environmental benefits of providing for water storage and security to be appropriately recognised and weighed in resource management decision-making;
 - (c) the policy is necessary to recognise that the Mākāroro Gorge, while it is an Outstanding Natural Feature, also has particular value for its identified potential for water storage;
 - (d) the deletion of the policy is inconsistent with and does not give effect to Te Mana o Te Wai;

- (e) the deletion of the policy is inconsistent with the requirement to have particular regard to the effects of climate change under section 7(i) of the Act;
- (f) the deletion of the policy would not be the most appropriate way to achieve the relevant objectives of the Proposed Plan; and
- (g) the deletion of the policy is inconsistent with the sustainable management purpose of the Act.

8. The Appellants seek the following relief:

- (a) reinstatement of the policy;
- (b) such further and/or consequential relief as is necessary to address the primary relief in (a) above; and
- (c) costs.

9. I attach the following documents to this notice:

- (a) copy of the further submissions made by the Appellants (with copies of the submissions opposed or supported by their further submissions);
- (b) a copy of the relevant decision; and
- (c) a list of names and addresses of persons to be served with a copy of this notice.

DATED this 6th day of July 2023



James Winchester
Counsel for the Appellants

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Advice to recipients of copy of notice of appeal*How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must, —

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in [form 33](#)) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not have attached a copy of the appellant's submission and the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

**ANNEXURE A – COPIES OF FURTHER SUBMISSIONS AND COPIES OF THE
SUBMISSIONS OPPOSED OR SUPPORTED BY THEIR FURTHER SUBMISSIONS**

ANNEXURE B – COPY OF THE RELEVANT DECISION

**ANNEXURE C - LIST OF NAMES AND ADDRESSES OF PERSONS TO BE SERVED WITH
A COPY OF THIS NOTICE**

<p>Central Hawke’s Bay District Council PO Box 127 Waipawa 4240</p> <p>E-mail: districtplan@chbdc.govt.nz</p>		
<p>Kathryn Bayliss 116 Maharakeke Rd RD 1 Waipukurau 4281</p> <p>E-mail: kall@xtra.co.nz</p>		<p>Federated Farmers of NZ Inc PO Box 715 Wellington 6140</p> <p>For: Rhea Dasent</p> <p>E-mail: rdasent@fedfarm.org.nz</p>
<p>Department of Conservation c/- RMA Shared Services PO Box 9003 Greerton West Tauranga 3142</p> <p>For: Tom Christie</p> <p>E-mail: tchristie@doc.govt.nz</p>		<p>Royal Forest and Bird Protection Society of NZ Inc PO Box 2516 Christchurch 8140</p> <p>For: Natasha Sitarz</p> <p>E-mail: n.sitarz@forestandbird.org.nz</p>
<p>Heretaunga Tamatea Settlement Trust c/- Mitchell Daysh Limited PO Box 149 NAPIER 4140</p> <p>For: Stephen Daysh</p> <p>E-mail: stephen.daysh@mitchelldaysh.co.nz</p>		<p>Liz Munroe 3 Memorial Park Drive Haumoana 4102</p> <p>E-mail: liz.munroe@lizmunroe.nz</p>
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