

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2023-

**I MUA I TE KOOTI TAIAO O AOTEAROA
KI TE TAMAKI MAKAUROA**

IN THE MATTER	of an appeal under Clause 14 of Schedule 1 of the Resource Management Act 1991
AND IN THE MATTER	Proposed Central Hawke's Bay District Plan
BETWEEN	Water Holdings Hawke's Bay Limited and Tukituki Water Security Project Appellant
AND	Central Hawkes Bay District Council Respondent

**NOTICE OF ROYAL FOREST AND
BIRD PROTECTION SOCIETY OF NEW ZEALAND INCORPORATED'S WISH TO BECOME A PARTY TO
PROCEEDINGS PURSUANT TO SECTION 274 RESOURCE MANAGEMENT ACT 1991**

**To: The Registrar
Environment Court
Auckland**

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated ('Forest & Bird'; 'the Society') wishes to be a party to the appeal by Water Holdings Hawke's Bay Limited and Tukituki Water Security Project ('Appellants') against Central Hawke's Bay District Council's decisions on the Proposed Central Hawke's Bay District Plan.
2. Forest & Bird made a submission and further submission on the Proposed Central Hawke's Bay District Plan.
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.¹
5. Forest & Bird is interested in all of the proceeding.
6. Forest & Bird opposes the appeal in its entirety.
7. The appellants seek a policy to recognise the social and economic significance of water storage within an Outstanding Natural Feature – the Mākāroro Gorge. Such a policy is incongruous with the Proposed Plan's objectives and policies and matters relevant to district planning. The Mākāroro Gorge contains significant biodiversity values including, but not limited to, indigenous wetlands - some of Aotearoa New Zealand's most threatened ecosystems. Water storage in such areas is strongly opposed.
8. Forest & Bird acknowledges that improving resilience to climate change is a critical part of future resource management. It is however important that methods adopted to do this do not have perverse outcomes and compromise environmental limits, such as via the inundation of wetlands and other terrestrial ecosystems. These ecosystems have a valuable role in absorbing carbon, naturally storing water, and building resistance and resilience to climate change. The inclusion of any policy promoting (engineered) water

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

storage and inundation within such areas, particularly with outstanding status, is inconsistent with the requirement to have particular regard to the effects of climate change under section 7(i) as well as section 6.

9. Further, the appellant seeks changes which:
- a. will not ensure ecosystems are safeguarded;
 - b. do not meet the statutory obligations placed on the Respondent by s 31 of the Act;
 - c. do not represent sound resource management practice;
 - d. are inconsistent with Part 2 of the Act;
 - e. do not give effect to the National Policy Statement for Freshwater Management 2020; and
 - f. do not give effect to the National Policy Statement for Indigenous Biodiversity 2023.
10. Forest & Bird agrees to participate in mediation or other alternative dispute resolution of the proceeding.

Dated: 18 July 2023



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