

From: Kate Rogers <Kate.Rogers@nz.dlapiper.com> on behalf of Kate Rogers
Sent on: Tuesday, October 5, 2021 11:51:46 PM
Subject: PNRP - Notice of application for direction and orders in relation to the identification of river mouths [DLA-CLIENT.FID643952]
Attachments: 20211001 - Affidavit of Iain Dawe(7348109.1).pdf (2.65 MB), 20211006 - Memorandum of Counsel supporting application for declaration and order under section 293 of the RM(7087055(7342242.1) (002).pdf (186.09 KB), 20211006 - Application for declaration and order under section 293 of the RMA(7087056(7342231.1).pdf (150.32 KB), 20211006 - Notice of application for declaration(7273099(7342258.1).pdf (147.7 KB)

Good afternoon,

Earlier today, the Council applied to the Environment Court for a declaration and consequential orders in relation to the way river mouths are identified in the Proposed Natural Resources Plan (**PNRP**).

The Council is seeking a declaration that: '*When determining the location of a river mouth in the Wellington Region, not shown on Maps 42 to 48, the mouth is deemed to be a straight line representing the continuation of the line of Mean High-Water Springs on each side of the river at the river outlet.*' This is then supported by an application for an order that the following text be inserted in the PNRP:

Maps 42 to 48 show where the Coastal Marine Area and river mouth boundaries are located. For the remaining rivers in the Wellington Region not shown on Maps 42 to 48, the mouth is deemed to be a straight line representing the continuation of the line of Mean High Water Springs on each side of the river at the river outlet.

The Coastal Marine Area means the foreshore, seabed, and coastal water, and the air space above the water—

- (a) of which the seaward boundary is the outer limits of the territorial sea:*
- (b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—*
 - (i) 1 kilometre upstream from the mouth of the river; or*
 - (ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.*

The declaration and orders are sought because (through an error) the definition of river mouth in the Regional Coastal Plan (**RCP**) was not carried through to the PNRP. Due to this, the PNRP does not identify river mouths (except for in some limited circumstances (Maps 42 to 48)). The declaration and orders sought will update the PNRP to reflect the RCP.

The Council seeks this declaration and orders to provide certainty to PNRP users. As the PNRP is currently silent, the Council is concerned that this may create a lack of clarity for those carrying out or regulating activities on the coast and costs will be incurred trying to determine the correct location. The order sought will ensure that all parties will be able to confirm where the river mouths are in the Wellington Region (and therefore, the coastal marine area) through reference to the PNRP. The Council does not consider that the amendment to the PNRP will result in any material change from the current situation – the location of a river mouth will stay the same, the only change will be that there will be clear definition of where the river mouth is in the PNRP. The application documents provide a more detailed explanation.

You have been served with this application either because you were an appellant or 274 party on the PNRP appeals, or are a territorial authority in the Wellington Region. The Council applied for and received directions from the Court that this group was the appropriate group to serve this application on.

The Council is happy to discuss this application with you.

Regards, Kate

Kate Rogers
Senior Associate

T: +64 4 918 3050
M: +64 27 310 1587
kate.rogers@dlapiper.com

www.dlapiper.com

