

**IN THE ENVIRONMENT COURT  
WELLINGTON REGISTRY**

**ENV-2019-WLG-000126**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** of appeals under Clause 14(1) of the  
First Schedule of the Act in relation to  
Proposed Natural Resources Plan for  
Wellington Region

**BETWEEN** **Federated Farmers of NZ Inc**

Appellant

**AND** **Wellington Regional Council**

Respondent

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**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  
Wellington

1. Horticulture New Zealand ("**HortNZ**") wishes to be a party pursuant to section 274 of the Resource Management Act 1991 ("**RMA**") to the following proceedings:  
*Federated Farmers of NZ Inc v Wellington Regional Council* **ENV-2019-WLG-000126** being an appeal against decisions of the Wellington Regional Council on the Proposed Natural Resource Plan for Wellington Region
2. HortNZ made submissions and further submissions on the Proposed Natural Resources Plan for Wellington Region.
3. HortNZ also has an interest in these proceedings that is greater than the general public as it represents interest groups in the community that are likely to be adversely affected by the proposed relief sought by the Respondent
4. HortNZ is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
5. The parts of the proceedings HortNZ is interested in are:
  - a) AP 4 Rule 99 Earthworks
  - b) AP 5 Rule 100 Vegetation clearance on erosion prone land
  - c) AP 6 Rule 101 Earthworks and vegetation clearance
  - d) AP 7 Rule 37 Agrichemicals into water
  - e) AP 8 Rule 82 Application of fertiliser from ground based or aerial applications
  - f) AP 9 Fertiliser default rule
  - g) AP 12 Definition Category Two surface water bodies
  - h) AP 13 Definition Drain
  - i) AP 15 Definition highly modified river or stream
  - j) AP 16 Definition surface water body

k) AP 17 Definition significant natural wetland and natural wetland

6. The parts of the proceedings HortNZ is interested in, including the particular issues and whether HortNZ supports, opposes or conditionally opposes the relief sought are set out in the attached table.
7. HortNZ agrees to participate in mediation or other alternative dispute resolution of the proceedings.



**Jordyn Landers**  
Environmental Policy Advisor  
Natural Resources and Environment  
Horticulture New Zealand  
9 October 2019

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## ATTACHMENT 1

Appeal ref	Provision Appealed	Scope for s274	Support / Oppose	Reasons
AP 4	Rule 99 Earthworks	HortNZ made a further submission supporting S352/209.	Support	HortNZ supports a rule that is practical and effects based and appropriate for rural production activities. The changes sought by the appellant seek to achieve such outcomes.
AP 5	Rule 100 Vegetation clearance on erosion prone land	HortNZ made a further submission supporting S352/210.	Support	HortNZ supports a rule that is practical and effects based and appropriate for rural production activities. The changes sought by the appellant seek to achieve such outcomes.
AP 6	Rule 101 Earthworks and vegetation clearance	HortNZ made a further submission supporting S82/031	Support in part	HortNZ considers that earthworks and vegetation clearance not meeting the permitted activity standards can be adequately managed through either a controlled or restricted activity with appropriate matters of discretion.
AP 7	Rule 37 Agrichemicals into water	HortNZ made a submission and further submission on R37.	Support	The deletion of the rule for discharge of agrichemicals into water means that there is a regulatory gap for this activity and all discharges would require consent. This is not a practical or effects based approach to managing the issue.
AP 8	Rule 82 Application of fertiliser from ground based or aerial applications	HortNZ made a submission and further submission on R82	Support	The appellant is seeking changes to clause b) relating to aerial application and definitions of drains and surface water body. HortNZ supports the clarity and certainty that the appellant seeks.
AP 9	Fertiliser default rule	HortNZ supported submission S302/068 that sought a restricted discretionary rule as a default.	Support in part	Having a rule which provides for a controlled or RD activity where Rule 82 cannot be met is an effects based approach.
AP 12	Definition Category Two surface water bodies	HortNZ made a further submission supporting S352/019	Support	The appellant seeks change which provide greater clarification and are consistent with the RMA.

<b>Appeal ref</b>	<b>Provision Appealed</b>	<b>Scope for s274</b>	<b>Support / Oppose</b>	<b>Reasons</b>
AP 13	Definition Drain	HortNZ made a further submission supporting in part S311/003	Support	There should be clarity as to when and why drains are included within the provisions in the Plan.
AP 15	Definition highly modified river or stream	HortNZ made a further submission supporting in part S311/005	Support	There should be clarity as to when and why drains are included within the provisions in the Plan.
AP 16	Definition surface water body	HortNZ made a further submission supporting S352/051	Support	There should be clarity as to when and why drains are included within the provisions in the Plan.
AP 17	Definition significant natural wetland and natural wetland	HortNZ made a submission on definitions for wetlands	Support	The definitions for wetland have the potential to create confusion and uncertainty with plan users. Changes are needed to provide greater clarity.