

**IN THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

ENV-2019-WLG-000106

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
the Proposed Natural Resources Plan
for Wellington Region

BETWEEN **Minister of Conservation**

Appellant

AND **Wellington Regional Council**

Respondent

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

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:
Minister of Conservation v Wellington Regional Council **ENV-2019-WLG-000106** 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) 7.2 Definition Category 2 surface water bodies
 - b) 7.7- 7.10 Objective O25 and tables 3.4-3.8
 - c) 7.18 Policy P31 Biodiversity, aquatic ecosystem health and mahinga kai
 - d) 7.29 Policy P101 Management of riparian margins
 - e) 7.48 Rule R36B Motorised and aerial discharge of agrichemicals
 - f) 7.52 and 7.53 Rule R94 Cultivation of land
 - g) 7.71 Rule R122 Removing vegetation
 - h) 7.77 Rule R136 Take and use of water
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
7.2	Definition Category 2 surface water bodies	HortNZ made a further submission on the Definition of Category 2 surface water bodies on S352/019	Oppose	The decisions differentiate between Category 2 surface water bodies based on the width taking into account a range of factors. Inclusion of rivers and drains less than 1m in width was not considered appropriate. HortNZ supports that decision
7.7-7.10	Objective O25 and tables 3.4-3.8	HortNZ made a submission and further submissions on O25 and Tables 3.4-3.8 opposing S75/027	Oppose	The appellant seeks to amend O25 and include numeric objectives in Tables 3.4-3.8 to give effect to the NPSFM. The tables are interim pending the outcomes of the whitua process and so should be retained until those outcomes are known.
7.18	Policy P31 Biodiversity, aquatic ecosystem health and mahinga kai	HortNZ made a further submission on P31 opposing S146/094	Oppose	The appellant seeks to amend P31 and include numeric objectives in Tables 3.4-3.8 to give effect to the NPSFM. The tables are interim pending the outcomes of the whitua process and so should be retained until those outcomes are known.
7.29	Policy P101 Management of riparian margins	HortNZ made a further submission on P101 S316/069	Oppose	Policy P101 establishes a framework for management of riparian margins and it is not necessary to specifically refer to some activities in the policy.
7.48	Rule R36B Motorised and aerial discharge of agrichemicals	HortNZ made a submission and further submissions on R36 and 37 including S75/126 and S75/117	Support in part	The appellant identifies issues with the agrichemicals provisions relating to discharges to water. A regulatory gap has been created by the decisions and HortNZ supports changes to address that issue.
7.52 and 7.53	Rule R94 Cultivation of land	HortNZ made a submission and further submissions on R94 and 37 including	Oppose in part	Rule R94 seeks to provide for cultivation of land subject to permitted activity conditions. HortNZ has also appealed the provisions in R94 to ensure practical conditions that minimise the loss of sediment to water. However applying another rule in the plan to R94 increases the complexity of the rule which is

Appeal ref	Provision Appealed	Scope for s274	Support / Oppose	Reasons
				specifically targeted at the cultivation activity.
7.71	Rule R122 Removing vegetation	HortNZ made a submission on R122	Oppose in part	HortNZ seeks to ensure that vegetation can be removed from the beds of rivers and lakes to avoid flooding and also to manage biosecurity risks. Any limitations on the activities should take these matters into account.
7.77	Rule R136 Take and use of water Rule R137 Farm dairy washdown and milk cooling water Rule R141 Take and use of water - controlled	HortNZ made s submission on R136 and R141	Oppose in part	HortNZ supports the replacement of 'minimum' with 'maximum in R136c) and R141d) but considers the rules give consideration of fish being affected by the water take.