

**IN THE ENVIRONMENT COURT
WELLINGTON REGISTRY**

ENV-2019-WLG-000123

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 **Wellington Water Ltd**

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:
Wellington Water Ltd Wellington Regional Council ENV-2019-WLG-000123 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) 10.2 Definition upgrade
 - b) 10.3 Definition reverse sensitivity
 - c) 10.7 Policy P12
 - d) 10.8 Policy P13
 - e) 10.9 Policy P13 and P14
 - f) 13.1 Objective O24
 - g) 16.1 Definition efficient allocation
 - h) 16.3 Objective O52
 - i) 16.4 Objective O52A
 - j) 16.6 Policy P111
 - k) 16.8 Policy P118
 - l) 16.11 Rule R42
 - m) 16.19 Schedule Q
 - n) 19.1 and 22.8 Policy P69
 - o) 25.3 Policy P67
 - p) Policy P73 and definition good management practice

- q) Definition drain
- r) 28.19 Method M14A

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
10.2	Definition upgrade	HortNZ made a further submission on S82/007 relating to the definition of upgrade	Oppose in part	The appellant seeks changes to the definition of upgrade to better accommodate functional improvements to regionally significant infrastructure. HortNZ seeks to ensure that the definition of upgrade retains the important component that the scale and intensity are the same as the existing activity. It is important that this is retained to ensure that upgrades don't adversely affect other parties.
10.3	Definition reverse sensitivity	HortNZ made a further submission on S146/031 relating to the definition of reverse sensitivity	Oppose in part	The definition of reverse sensitivity needs to apply to a wide range of activities, not just regionally significant infrastructure. Horticulture NZ supports the proposed definition and considers that the extent of development of an activity that is protected from reverse sensitivity complaint needs to consider the change in scale and nature of the activity
10.7	Policy P12	HortNZ made a further submission on S126/015 on Policy P12	Oppose in part	HortNZ considers that Policy P12 sets out the benefits of regionally significant infrastructure and are unsure what specific changes the appellant is seeking.
10.8	Policy P13	HortNZ made a further submission on S126/016 on Policy P13	Oppose in part	HortNZ considers that Policy P13 provides for regionally significant infrastructure and are unsure what specific changes the appellant is seeking through the regulatory provisions in the Plan.
10.9	Policy P13 and P14	As above	Oppose in part	HortNZ considers that Policy P12 and P13 set out the benefits and provide for regionally significant infrastructure and are unsure what specific changes the appellant is seeking.
13.1	Objective O24	HortNZ made a further submission on S308/023 on Obj O24	Support	The appellant seeks that O24 is amended to state the sites with significant mana whenua values are those listed in Schedule C. HortNZ considers that this would provide greater clarity to the objective.

Appeal ref	Provision Appealed	Scope for s274	Support / Oppose	Reasons
16.1	Definition efficient allocation	HortNZ made a submission on the definition of efficient allocation	Oppose	The appellant seeks that the definition is amended so that its meaning is clear and fit for purpose but does not state what changes it seeks. The definition accurately describes the types of efficiency that are relevant to allocation of water and so is appropriate in the Plan.
16.3	Objective O52	HortNZ made a submission and further submissions on S308/038 and S124/006 on O52	Oppose	Efficient allocation is required to be considered by the NPSFM so is an appropriate objective to include in the Plan.
16.4	Objective O52A	HortNZ made a further submission on S308/038	Oppose	Over-allocation is required to be considered by the NPSFM so is an appropriate objective to include in the Plan.
16.6	Policy P111	HortNZ made a further submission on S135/108 S308/073 on P111.	Oppose in part	Policy P112 provides for continued supply of water for the health needs of people so Policy P111 does not need to be amended.
16.8	Policy P118	HortNZ made a submission and further submission on S308/079 on P118.	Oppose	Policy P118 provides for the reasonable and efficient use of water which should include all users and not exclude municipal users.
16.11	Rule R42	HortNZ made a further submission on S310/042 on R42.	Oppose in part	Rule R42 provides for minor discharges where an activity is not specifically provided for in other rules and sets out a range of thresholds which must be met. A requirement that there is to be no minor discharge within a community drinking water supply protection area would be a very onerous requirement and mean that even minor discharges would need resource consent.
16.19	Schedule Q	HortNZ made a further submission on S124/031, S308/080 and S308/150 on Schedule Q.	Oppose in part	Schedule Q sets out measures for reasonable and efficient use which should apply to all sectors that use water.
19.1	Policy P69	HortNZ made a further	Oppose in	Policy P69 provides to human drinking water supplies and is

Appeal ref	Provision Appealed	Scope for s274	Support / Oppose	Reasons
		submission on S301/042 on P69.	part	based on the NES for Sources for Human Drinking water 2007. The appellant considers that there are more current standards that should apply. However the NES is a government regulation that needs to be met so it is unclear how it would be more appropriate to use an alternative standard.
22.8 and 25.3	Policy P67	HortNZ made a further submission on S310/034 on P67.	Oppose in part	Policy P67 sets out a hierarchy for minimising discharges to water or land. The appellant seeks that it is amended to meet a range of matters that are considered relevant to the appellant's activities. HortNZ considers that the matters listed are appropriate and is uncertain of specific changes that the appellant seeks.
25.4	Policy P73 and definition good management practice	HortNZ made a submission and further submission S316/014 on definition good management practice	Oppose in part	The term 'good management practice' is used in a range of provisions in the Plan and so the definition is broad. It may be appropriate that 'best practicable option' may be more relevant to provisions such as Policy P73.
28.1	Definition drain	HortNZ made a further submission on S311/003 on the definition of drain.	Support in part	The definition of drain and how it is used in the Plan is of concern to a number of appellants. HortNZ supports clarification on the definition and where it is appropriate that drains are regulated in the Plan.
28.19	Method M14A	HortNZ made a further submission on S311/003	Support in part	Method M14A provides for the future mapping of drains and highly modified rivers or streams which will determine which rules will apply. HortNZ supports clarification on the definition and where it is appropriate that drains are regulated in the Plan but is concerned that any additional requirements in respect of drains would be developed through a Plan Change.