

**BEFORE THE ENVIRONMENT COURT**

**ENV-2019-WLN-000103**

**AT WELLINGTON**

**I MUA I TE KOOTI TAIAO**

**O AOTEAROA**

**IN THE MATTER**

of an appeal under clause 14  
of Schedule 1 of the Resource  
Management Act 1991

**BETWEEN**

**Horticulture New  
Zealand**

*Appellant*

**AND**

**Wellington Regional  
Council**

*Respondent*

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**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS BY THE  
MINISTER OF CONSERVATION**

**Dated: 9 October 2019**

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Department of Conservation  
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## **Notice of person's wish to be a party to proceedings**

### **Section 274 Resource Management Act 1991**

To: The Registrar  
Environment Court  
WELLINGTON

1. The **Minister of Conservation** (the **Minister**) wishes to be a party to the following proceedings:
  - 1.1. Horticulture New Zealand v Wellington Regional Council, ENV-2019-WLN-000103
2. The Minister made submissions and appeared at the Council hearing on the proposed Natural Resources Plan for the Wellington Region (proposed Plan).
3. The Minister is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (RMA).
4. The Minister is interested in part of the proceedings. The Minister also has an interest greater than the interest the general public has, specifically regarding conservation values and the implementation of the New Zealand Coastal Policy Statement.
5. The Minister is interested in parts of the appeal relating to:
  - 5.1. Policy P90: Discharges of hazardous substances.
  - 5.2. Policy P111: Water takes at minimum flows and minimum water levels.
  - 5.3. Policy P112: Priorities in drought and serious water shortage.
  - 5.4. Section 5.1.13 General conditions for the discharge of agrichemicals.
  - 5.5. Rule R36B: Motorised and aerial discharge of agrichemicals – permitted activity.
  - 5.6. Rule R94: Cultivation of Land – permitted activity.

6. The Minister **supports** in part and **opposes** in part the relief sought.

***Relief supported***

7. The Minister supports amending condition (c) of Section 5.1.13 General conditions for the discharge of agrichemicals, insofar as it consistent with existing regulatory controls for agrichemicals. For example, under the Hazardous Substances and New Organisms Act 1996 and the Health and Safety Act 2015.
8. The Minister supports the Appellant's relief in relation to the guidance note to R36B, insofar as it provides for any future updates to NZS8409:2004 Management of Agrichemicals.

***Relief opposed***

9. The Minister opposes the proposed amendment to Policy P90 as it is contrary to the National Policy Statement for Freshwater Management and the New Zealand Coastal Policy Statement.
10. The Minister opposes the proposed amendment to Policy P111(iv) to provide for water to be taken at levels below minimum flow as this can have adverse effects on the life supporting capacity of ecosystems. The relief sought is contrary to the National Policy Statement for Freshwater Management, does not recognise and provide for matters of national importance listed in section 6 of the Resource Management Act 1991, and inconsistent with the sustainable management of natural and physical resources.
11. The Minister opposes the proposed amendment to Policy 112 to include reference to rootstock protection. The relief sought is contrary to Objective O25 of the Proposed Natural Resources Plan for Greater Wellington and the Resource Management Act 1991, including the National Policy Statement for Freshwater Management.
12. The Minister opposes the Appellant's proposed amendment to reinstate GROWSAFE requirements as an additional condition to Rule R36B (condition (f)). The proposed amendment will not provide for appropriate alternatives and in any event is a duplicate requirement given that there are

existing controls under the Hazardous Substances and New Organisms Act 1996.

13. The Minister opposes the Appellant's relief seeking amendments to Rule R94: Cultivation of land – permitted activity. The reference to “good management practice” and “suitable mitigation measures” are too uncertain for a permitted activity rule. The amendments are also insufficient to ensure fine sediments are removed and as such, are inconsistent with the National Policy Statement for Freshwater Management, the New Zealand Coastal Policy Statement, and the Regional Policy Statement for the Wellington region.
14. The Minister agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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Katherine Anton/May Downing  
Solicitors for the Minister of Conservation

9 October 2019

Address for service of person wishing to be a party:

**Minister of Conservation**  
Department of Conservation  
18 Manners Street, Wellington 6011

*Contact persons*

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**Advice**

If you have any questions about this notice, please contact the Environment Court in Auckland, Wellington, or Christchurch.