

**BEFORE THE ENVIRONMENT COURT
AT WELLINGTON**

ENV-2019-WGN-000125

UNDER

the Resource Management Act 1991

IN THE MATTER OF

an appeal under clause 14(1) of Schedule 1 of the Act in relation to the Proposed Natural Resources Plan for the Wellington Region

BETWEEN

**RANGITANE TU MAI RA TRUST AND
RANGITANE O WAIRARAPA
INCORPORATED SOCIETY**

Appellant

AND

WELLINGTON REGIONAL COUNCIL

Respondent

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS



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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

To: **The Registrar**
Environment Court
Wellington

1. Federated Farmers of New Zealand Inc (**FFNZ**) wishes to be a party to proceedings with Environment Court reference ENV-2019-WGN-000125 (**Proceedings**) in the appeal by Rangitane Tu Mai Ra Trust and Rangitane o Wairarapa against decisions of Wellington Regional Council (Council) on the Proposed Natural Resources Plan (pNRP) for the Wellington Region.
2. FFNZ made a submission and further submissions on the pNRP.
3. FFNZ has an interest in the proceedings that is greater than the interest that the general public has:
 - 3.1 The subject matter of the appeal is a matter of interest to farmers who rely on natural and physical resources in the region in making their livelihoods.
 - 3.2 There is a potential for farmers in the region to be directly impacted by the terms of the appeal.
 - 3.3 FFNZ is a representative body for farmers, so it is in an appropriate position to represent the interests of farmers who may be impacted by the terms of the appeal.
4. FFNZ is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
5. FFNZ is interested in all the proceedings.
6. FFNZ supports *or* opposes *or* conditionally opposes the relief sought as follows—

- 6.1 FFNZ opposes the relief sought by the Appellant on the **definition of core allocation**, on **P111** – water takes at minimum flows, on **P117** – supplementary allocation. The decisions version of Policy 111 is a sensible and pragmatic way to manage takes and use of water when it reaches minimum flows as it orderly allows for essential takes and use. The decision version is more appropriate when compared with the relief proposed by the Appellant. Although FFNZ agrees with the Appellant that water storage during high flows should be promoted in the pNRP so that stored water can be used during periods of low flows but FFNZ considers that the proposed amendments to P117 in the appellants relief are not the most appropriate way to achieve that intent or the collective objectives. The relief sought is not the most appropriate way to achieve the collective objectives, including O2.
- 6.2 FFNZ opposes the relief sought by the Appellant on **R140A** – take and use of water from a storage facility. Water storage is efficient and effective management of the water resource. The take and use of water to fill the storage facility already needs to be authorised by a resource consent or Rule 136. Accordingly any restriction of the take and use of water from a water storage facility is unnecessary, double counting, over restrictive, does not promote the efficient and effective use of water. Further having regard to other effects is an irrelevant consideration and discharge management does not fairly or reasonably relate to water allocation. The relief sought is not the most appropriate way to achieve the collective objectives, including O2.
- 6.3 FFNZ opposes the relief sought by the Appellant on **R.R1** – take and use of water in the Ruamahanga whaitua. The relief sought is not the most appropriate way to achieve the collective objectives, including O2. The decisions version for R.R1 (a) is a sensible and pragmatic way to manage takes and use of water when it reaches minimum flows as it orderly allows for essential takes and use. The amount of water needed for essential takes and use can differ from day to day ie many occasions there may be no take and use for firefighting purposes but other days the

take and use may be required. Accordingly, the exception that allows essential use and takes below minimum flow should be based on allocation rather than what was used or taken previously. The decision version is more appropriate when compared with the relief proposed by the Appellant.

- 6.4 FFNZ opposes the relief sought on the **definition of Good Management Practice**. The amendments seek to “freeze frame” practices which is at odds with the intent to provide for ongoing innovation and improvement of practices.
- 6.5 FFNZ opposes the relief sought on **O24 and P63**, including inter alia that all waterbodies in the region are suitable for primary contact recreation by 2030. Method M27 is a more appropriate approach. The framework for pNRP was established by the Council’s NPS-FM implementation programme which provides for the progressive and collaborative setting of freshwater objectives (and limits) in accordance with the process set out in the NPSFM Policy CA2. Policy CA2 directs, inter alia, that objectives be set with consideration of any social, cultural and economic implications for communities - through the whitua process. The whitua process will better recognise local circumstances, is an iterative collaborative process and better suited to establish the thresholds, timeframes and numeric values. The time frame and numeric values as proposed by the Appellant is unnecessary, adds a layer of complexity with little or no benefit.
- 6.6 The Appellant has not provided particulars of the relief sought for **O28** and accordingly FFNZ neither supports nor opposes the relief, but given its interest it seeks to be a party to the appeal to enable it to fully understand the implications and to be party to the development of any specific provisions to ensure that any amendments are appropriate.
- 6.7 FFNZ opposes the relief sought on **O31 and O32** but supports the relief sought by the Appellant on **P48** that an assessment to identify outstanding natural features and landscapes and include them in the Proposed Plan together with appropriate provisions..

FFNZ considers that the appropriate process for outstanding features is as set out in M24 of the decision version.

- 6.8 FFNZ opposes the relief sought on **P99** – livestock access, including that stock be excluded from sites in Schedules A-F and H; This relief is not supported by cost-benefit analysis and is not the most appropriate way to achieve the collective objectives.
- 6.9 FFNZ opposes the relief sought on **R42** – minor discharges. The Council can be satisfied that none of the adverse water quality outcomes expressed in s70 RMA are likely to arise in receiving waters from diffuse discharges permitted by R42. Further, although FFNZ considers it was not necessary, R42 (c) (iii)(3) – (6) mirrors the requirements of s70 of the RMA. Accordingly the relief sought by the Appellant is not appropriate.
- 6.10 FFNZ opposes the relief sought by the Appellant (**appeal point 30**, entire plan) including for the inclusion of freshwater limits. The more appropriate process is through the whitua as per Council's NPSFM implementation programme as set out above.
- 6.11 FFNZ opposes the relief sought on **O23**, seeking to extend the application to artificial and ephemeral waterbodies; and on **O25**, seeking a deadline of 2030 for meeting the outcomes in the tables. This relief is not supported by cost-benefit analysis, the whitua process is appropriate place to determine any time frames and the relief sought is not the most appropriate way to achieve the collective objectives.
- 6.12 FFNZ opposes the relief sought on **O46** – discharges to land, **O47** – sediment, **O48** – stormwater, **P65** – rural land use activities, **P94** – collected animal effluent, and **P95** – discharges to land. The relief sought by the Appellant are not the least restrictive way to achieve the purpose of the RMA or the objectives , will fetter the whitua process as set out previously. The objectives and policies are not the most appropriate way to achieve the purpose of the RMA or the objectives.

6.13 FFNZ opposes the relief sought on policies (**appeal point 45 and 46**) including that land use and water use consents be considered together, and that all policies refer to freshwater objectives and limits. The amendments sought are not the most appropriate way to achieve the collective objectives.

7. FFNZ agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Martin Meier

For Federated Farmers of New Zealand Inc

DATE: 9 October 2019

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