

**BEFORE THE ENVIRONMENT COURT
AT WELLINGTON**

ENV-2019-WGN-000122

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

**WELLINGTON FISH AND GAME
COUNCIL**

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-000122 (**Proceedings**) in the appeal by Wellington Fish and Game Council (F&G) 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 reinstatement and amendments to **O5** sought by the Appellant. O5 is not consistent with the Regional Policy Statement Objective 012 which directs that the quantity and quality of water meet the range of uses and values for which water is required. Further Objective 5's intent is more clearly articulated in other objectives and re-instatement will not add any value. O5 deletion (decision version) was and is the most appropriate way to achieve the purpose of the RMA.
- 6.2 FFNZ opposes the amendments sought to **O24 and associated tables 3.1 and 3.2, and to O25 and associated tables 3.4-3.8**. 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 freshwater 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 and is an iterative collaborative process while the numeric values as proposed by the Appellant is not necessary, adds a layer of complexity with little or no benefit.
- 6.3 FFNZ opposes the amendments sought to **P65 and consequential rules**, proposing an inordinate level of prescriptive details attaching to permitted activity rules or resource consent. The relief sought is not the most appropriate way to achieve the collective objectives.
- 6.4 FFNZ opposes the proposed **new Table – subcatchment nutrient loads – and associated new policies** sought by the Appellant. The proposals are not supported by robust methodology, nor by sufficient robust set of information, is unnecessary and the cost is disproportionate to any perceived benefit, and would unnecessarily fetter the whitua process.
- 6.5 FFNZ opposes the relief sought on **P99 – livestock access and P101 – riparian margins**. Stock exclusion is not always the most

appropriate mitigation. The pNRP should recognise that stock exclusion can be impractical, costs prohibitive or impossible in areas and provide for them accordingly. For matters like small waterways the costs will outweigh any perceived benefit. The Appellant seeks as relief blunt riparian intervention measures when it is not always likely to be appropriate or effective. It is costly and the setback distance proposed is arbitrary. The relief sought by the Appellant is not the most appropriate way to achieve the collective objectives.

- 6.6 FFNZ opposes that part of the Appellant's relief in respect of **P111** which recommends a two tier system for restricting water takes. The decisions version of Policy 111 is a sensible and pragmatic way to manage takes and use of water when it reaches minimum flows to allow for essential takes and use. The decision version is more appropriate when compared with the relief proposed by the Appellant. However 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.
- 6.7 FFNZ opposes the relief sought by the Appellant on **P117** – supplementary allocation and Schedule V. FFNZ agrees with the Appellant that storage during high flows should be promoted, but considers that the proposed amendments to P117 are not the most appropriate way to achieve that intent or the collective objectives.
- 6.8 FFNZ opposes the proposed **new policies for section 4.9** and the **whaitua chapters**, the amendments to **Policy R.P2** and amendments sought to **Rule R.R1**. The relief sought is not the most appropriate way to achieve the collective objectives, including O2 which recognises the importance of the allocation and use of water for the wellbeing of the community. Further discharges are adequately managed by separate provisions and accordingly unnecessary in water allocation provisions, will lead to double counting, is an irrelevant consideration and discharge management does not fairly or reasonably relate to water allocation. In regards to Policy R.P2 existing resource consent is

a valid consideration as the holders have arranged their affairs (including made capital investment in infrastructure, expenses and incurred debts) in reliance on the legitimate expectations based on the resource consent. Any clawback will be disproportionate and unreasonable.

6.9 FFNZ opposes the amendments sought on **R94** - breakfeeding, **R95** - cultivation and **R100** - vegetation clearance, including proposals for 10m setbacks from scheduled trout rivers. The amendments would inappropriately elevate one value (recreational fishing) and restrict other values (primary production) and are not the most appropriate way to achieve the collective objectives.

6.10 FFNZ opposes the amendments sought on **Method M7** by the Appellant. It is inappropriate to allow a non representative advocacy group to an expert panel.

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



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Martin Johan Meier

For Federated Farmers of New Zealand Inc

DATE: 9 October 2019

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