

**IN THE ENVIRONMENT COURT  
WELLINGTON REGISTRY**

**ENV-2019-WLG-000122**

**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 Fish and Game Council**

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 Fish and Game Council v Wellington Regional Council*  
**ENV-2019-WLG-000122** 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) Definition good management practices
  - b) Definition of natural character
  - c) Objective O5
  - d) Objective O19
  - e) Objective O24
  - f) Tables 3.1 and 3.2
  - g) Objective 25
  - h) Table 3.4
  - i) Objectives O31 and O35
  - j) Objective O44
  - k) Objectives O46 and O47
  - l) Policy P5
  - m) Policy P6
  - n) Policy P31
  - o) Policy P65 and associated rules

- p) Additional policies in Discharge to land and water chapter under 4.8.1
  - q) Policy P101
  - r) Policy P111 and associated rules
  - s) Policy P117
  - t) Rule R42
  - u) Rules R94 and 95
  - v) Rule R100 Vegetation clearance on erosion prone land
  - w) Rules R 104 - 108
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

**Address for service of the Appellant:**  
Horticulture New Zealand  
PO Box 10232, Wellington 6143  
Phone: 04 470 5664  
Fax: 04 471 2861  
Email: [jordyn.landernz@hortnz.co.nz](mailto:jordyn.landernz@hortnz.co.nz)  
Contact person: Jordyn Landers

## ATTACHMENT 1

Appeal ref	Provision Appealed	Scope for s274	Support / Oppose	Reasons
	Definition good management practices	HortNZ made a submission and further submission on the definition of good management practices	Oppose in part	The definition of good management practice applies to a range of activities in the Plan so needs to be generic in nature.
	Definition of natural character	HortNZ made a further submission on definition of natural character S308/007	Oppose	The level of detail requested is inappropriate in a definition.
	Objective O5	HortNZ made a submission and further submission on O5 S308/015	Oppose in part	The appellant seeks to reinstate O5 with amendments. There needs to be evidence of a regulatory gap that requires the objective to be reinstated and amended.
	Objective O19	HortNZ made a submission and further submission on O19 S308/019 and S308/018 on O17	Oppose	Objective 19 was deleted by decisions. It appear that the appellant is referring to Objective 17. It is not necessary to add additional direction.
	Objective O24	HortNZ made a submission and further submission on O19 S308/023	Oppose	The appellant seeks to amend O24 and include numeric objectives in Tables 3.1 and 3.2 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
	Tables 3.1 and 3.2	HortNZ made a submission and further submission on Tables 3.1 and 3.2 S308/148	Oppose	The appellant seeks to amend Tables 3.1 and 3.2 to include numeric objectives 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
	Objective 25	HortNZ made a submission and further submission on O25 S308/027	Oppose	The appellant seeks to amend O25 and include numeric objectives in Tables 3.4 and 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

Appeal ref	Provision Appealed	Scope for s274	Support / Oppose	Reasons
				known
	Table 3.4	HortNZ made a submission on Table 3.4	Oppose	The appellant seeks to amend Table 3.4 to include numeric objectives 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
	Objectives O31 and O35	HortNZ made a further submission on O31 S367/051	Oppose in part	The appellants seek to either amend Tables 3.4 – 3.8 or remove reference to the Tables from these objectives. HortNZ would support the removal of the reference to the tables in the objectives.
	Objective O44	HortNZ made a submission and further submission on O44 S308/034	Oppose	The objective provides a framework and direction for the policies and rules and does not need to be amended in the manner sought by the appellant.
	Objectives O46 and O47	HortNZ made a submission and further submission on O46 and O47 S308/035 and S308/036	Oppose	The objectives provides a framework and direction for the policies and rules and does not need to be amended in the manner sought by the appellant.
	Policy P5	HortNZ made a further submission on P5 S55/013	Oppose	The RMA provides the framework for reviewing resource consents and does not need to be duplicated in the Plan.
	Policy P6	HortNZ made a further submission on P6 S308/045	Oppose	HortNZ supports Policy P6 which establishes a framework for when common expiry dates may be implemented.
	Policy P31	HortNZ made a further submission on P31 S146/094	Oppose in part	The appellants seek to either amend the tables or remove reference to the tables from the policy. HortNZ would support the removal of the reference to the tables in the policy.
	Policy P65 and associated rules	HortNZ made a submission and further submission on P65 and associated rules S308/062	Oppose	The appellant seeks conditions be added to the permitted activity rules that effectively require a farm management plan for each activity. A Farm Management Plan is an appropriate tool to assist meeting objectives of the Plan but not as a blanket requirement across all permitted activity rules.
	Additional policies in Discharge to	HortNZ made submissions	Oppose	The matters relating to sub-catchments will be addressed in the

<b>Appeal ref</b>	<b>Provision Appealed</b>	<b>Scope for s274</b>	<b>Support / Oppose</b>	<b>Reasons</b>
	land and water chapter under 4.8.1	opposing new provisions sought by the appellant S308/012, S308/98 and S308/62		whaitua provisions and it is not appropriate to include in the Plan prior to those processes being completed.
	Policy P101	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.
	Policy P111 and associated rules	HortNZ made a further submission on S308/73	Oppose in part	The appellant seeks that there is a two-tiered system so that water saving measures are undertaken prior to the minimum flow being reached. The concept is supported in part but no specific wording or framework is set out in the appeal.
	Policy P117	HortNZ made a further submission on S308/082	Oppose	The policy has a framework for supplementary allocations to meet Objective O25. The additional matters sought are not necessary.
	Rule R42	HortNZ made a further submission on S310/042	Oppose	The appellant seeks to delete Rule R42 Minor discharges. The rule is necessary to provide for minor discharges which are not specifically provided for in other rules.
	Rules R94 and 95	HortNZ made submissions and further submissions on R94 and 95 S308/099	Oppose	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.
	Rule R100 Vegetation clearance on erosion prone land	HortNZ made a further submission on S352/210	Oppose	The application of the rule is dependent on the outcome of other appeals relating to the definition of erosion prone land.
	Rules R 104 – 108 Wetlands	HortNZ made a submission on R105	Oppose	Ether should be clarity in the definitions and where and how they are applied.