

**Before the Environment Court
At Wellington
ENV-2018-WLG-000012**

Under Clause 14 of the First Schedule to the Resource
Management Act 1991

Between **Federated Farmers of New Zealand**
Appellant

And **Kapiti Coast District Council**
Respondent

**Notice of intention of Wellington Regional Council to become a party
pursuant to section 274 of the Resource Management Act 1991**

Date: 16 February 2018



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To The Registrar
Environment Court
WELLINGTON

1 Wellington Regional Council (**WRC**) wishes to become a party to the appeal by Federated Farmers of New Zealand (**Federated Farmers**) against the decisions made by the Kapiti Coast District Council (**KCDC**) on the proposed Kapiti Coast District Plan (**the Decisions**).

2 WRC is a local authority under the Resource Management Act 1991 (**RMA**) and it made submissions on the subject matter of these proceedings.

3 WRC is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

Proceedings

4 WRC is interested in all of the proceedings.

5 In particular, WRC is interested in the following issues:

5.1 Consistency of the provisions in the Decisions with the Proposed Natural Resources Plan for earthworks, stream crossings and bridges.

5.2 Consistency of the provisions in the Decisions with the higher order documents and the RMA.

5.3 The need to ensure the protection of significant areas of indigenous vegetation and the significant habitats of indigenous fauna.

- 5.4 The protection of outstanding natural features and landscape values from inappropriate subdivision, use or development.
- 5.5 The recognition and management of landscapes which have special amenity values for the District.

Position on the relief sought

- 6 WRC opposes the relief sought in points 1-11 of the notice of appeal for the following reasons:
 - 6.1 Permitting normal farming activities (specified in the notice of appeal at 5(a) as formation and maintenance of pasture, stream crossings, bridges, and farm tracks and in 5(e) as vegetation clearance for formation and maintenance of all fences and in point 6) within Ecological Sites or other areas containing significant biodiversity values is not consistent with their protection.
 - 6.2 Deletion of Key Indigenous Tree Species from the proposed Plan (relief sought at point 5(b), and 11) would remove an important mechanism for protecting significant biodiversity values that sit outside of the scheduled Ecological Sites in the District.
 - 6.3 The Decisions are consistent with the provisions in the Proposed Natural Resources Plan and any changes to definitions and thresholds for earthworks need to be assessed for the potential to create overlap and inconsistencies between the two planning regimes.

- 6.4 The Decisions identify landscapes which, while not outstanding, have special amenity values for the district and their identification in maps and a policy framework for their management provides certainty as to the intention of the proposed Plan to maintain or enhance their landscape values. The policy framework only applies when a discretionary or non-complying consent is required.
- 6.5 The Decisions allow for some buildings in Outstanding Natural Landscapes as a permitted activity (Rule 3A.1.7) and it is appropriate to provide standards for that activity. Exempting all farm buildings and structures from the rule (as proposed by the appellant) would be contrary to the intention of the Decisions to protect valuable landscapes from inappropriate use and development.
- 6.6 Under the RMA, outstanding natural features and landscapes require a higher level of protection than the general landscape. The framework in the Decisions for earthworks in outstanding natural features and landscapes requires a consent assessment and avoidance or mitigation of adverse effects from this activity, which should remain in place.

Mediation

- 7 WRC agrees to participate in mediation or other alternative dispute resolution in the proceedings.

Date: 16 February 2018



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Kerry Anderson
Counsel for the Wellington Regional
Council

This document is filed by Kerry Anderson of DLA Piper New Zealand, solicitor for the Wellington Regional Council.

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Documents for service on the Wellington Regional Council may be:

- left at the above address for service, or
- posted to the solicitor at PO Box 2791, Wellington 6140, or
- transmitted to the solicitor by fax on +64 4 472 7429.

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