

BEFORE THE ENVIRONMENT COURT

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of an appeal pursuant to clause
14 of the First Schedule to the Act

BETWEEN **SPARK NEW ZEALAND TRADING LIMITED**

Appellant

AND **KAPITI COAST DISTRICT COUNCIL**

Respondent

ENV-2018-WLG-019

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

Federated Farmers of New Zealand

To: The Registrar
Environment Court
District Court Building
Level 5
49 Ballance Street
WELLINGTON 6011

TAKE NOTICE, that Federated Farmers of New Zealand gives notice pursuant to Section 274 of the Resource Management Act 1991 that it wishes to be a party to the following proceedings:

Spark New Zealand Trading Limited

v

Kapiti Coast District Council

ENV-2018-WLG-019

This notice is made upon the following grounds:

- 1 Federated Farmers has an interest in the proceedings that is greater than the interest that the general public has. The grounds for saying that Federated Farmers come within this category are that:
 - The subject matter of the appeal is a matter of interest to farmers who rely on the natural and physical resources of the Kapiti Coast District in making their livelihoods;
 - There is potential for farmers to be disadvantaged by the terms of the appeal;
 - Federated Farmers is a representative body for farmers, so is in an appropriate position to represent the interest of farmers who may be disadvantaged by the terms of the appeal.
 - Federated Farmers has appealed some aspects of the Council's decision on the proposed plan (ENV-2018-WLG-012), which are affected by the relief sought by the appellant.
- 2 Federated Farmers is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
- 3 Federated Farmers opposes the relief sought, and has an interest in all the proceedings for the following reasons:
 - Federated Farmers opposes relief seeking insertion of a new rule in Table 3A.4 stating "*any activity which is not identified as a permitted activity in Table 3A.1, as a controlled activity in Table 3A.2 or restricted discretionary activity in Table 3A.3*" is a discretionary activity. The reasons for this are that:
 - a) Such a rule would be in direct contravention to Rule 3A.1.1 (which states that any activity which is not specified as a *Permitted, Controlled, Restricted Discretionary, Discretionary or Non-complying Activity* is a permitted activity, subject to compliance with permitted activity standards).
 - b) It is Federated Farmers opinion that farming and activities ancillary to farming should be a permitted activity in the rural zones in the plan. As a result of the proposed plan preparation and submission process to-date, some effort has been made in the plan to ensure that activities that are ancillary to farming and primary production are enabled as permitted activities. However, there may be some aspects that have not be specified under various exemptions from rules, but which are nevertheless important for farmers to be able to undertake in order to run their farm operations efficiently and practically. These include: farm earthworks for farm quarries, formation and maintenance of farm access, hard stand areas for stock, farm buildings and vehicle parking, airstrips, fertiliser and fodder storage etc), vegetation trimming around accessways, buildings, culverts etc., and practical allowance for farm building bulk and location. Federated Farmers' appeal on seeks to ensure that all such activities are enabled as permitted activities in the plan. Introducing the rule sought by the appellant is likely to result in catching ancillary farming

activities within a resource consent process that is unnecessary, costly and time-consuming, for arguably very little environmental benefit.

- Federated Farmers also opposes any other relief sought that is consequential to the relief that it has opposed above, or which is necessary to give effect to the relief sought that it has opposed above.
- 4 Federated Farmers of New Zealand agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Peter Matich

Senior Policy Advisor - Regional
Federated Farmers of New Zealand

15 February 2018

Address for service of person wishing to be a party:

Federated Farmers of New Zealand
PO Box 715
Wellington 6140

Attention: Peter Matich

Telephone No.: 027 551 1673
Email: pmatich@fedfarm.org.nz
Contact person: Peter Matich

Advice

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