

### Form 33

## Notice of person's wish to be party to proceedings

*Section 274, Resource Management Act 1991*

To the Registrar  
Environment Court  
Wellington  
[Jennifer.gerritsen@justice.govt.nz](mailto:Jennifer.gerritsen@justice.govt.nz)

I, [Allan Alexander Smith], wish to be a party to the following proceedings:

- *ENV-2018-WLG-021*  
Royal Forest and Bird Protection Society of New Zealand Inc. appealing against the Kapiti Coast District Council Proposed District Plan.

I am a person who has an interest in the proceedings that is greater than the interest that the general public has. I farm within the KCDC jurisdiction and will be affected by any changes to the proposed District Plan. The changes proposed in this Appeal would increase the complexity of assessment processes in determining significance with respect to indigenous vegetation and make the status of normal activities of our farming much less certain.

I am a person who made a submission [number 443] to Kapiti Coast District Council and a further submission [number 139]. I attended many of the Hearings and formed the impression that the Commissioners applied themselves diligently to the task of identifying the most appropriate recommendations for the District within the requirements of the Resource Management Act; which were adopted by Council.

I am not a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource Management Act 1991.

I am interested in the following particular issues.

Who	I am interested in the following particular issues	Reasons for opposition
<b>Royal Forest and Bird Protection Society of New Zealand Incorporated appeal to Kapiti Coast District Council decisions on the Proposed District Plan</b>	I wish to be party to all the matters covered in the Natural Environment Chapter 3, including related objectives in Chapter 2, and definitional matters in Chapter 1 as addressed in the appeal of the Royal Forest and Bird Protection Society of New Zealand.	<ul style="list-style-type: none"><li>• The appeal would not promote the sustainable management of natural and physical resources in a way that would support the everyday farming, forestry and residential operations of our property.</li></ul>

Who	I am interested in the following particular issues	Reasons for opposition
	<ul style="list-style-type: none"> <li>• Definitions of:               <ul style="list-style-type: none"> <li>○ 'Indigenous vegetation'</li> <li>○ 'Modification' and 'Trimming'</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The appeal would inappropriately widen the definition of indigenous vegetation to include plants that amongst other things are established for primary production purposes and amenity values</li> </ul>
	<ul style="list-style-type: none"> <li>• Reinstatement of (and amendment of some of):               <ul style="list-style-type: none"> <li>○ PDP 3.1 'Ecosystem Services'</li> <li>○ PDP 3.2 'Identification of sensitive natural features'</li> <li>○ PDP 3.7 'Subdivision and Sensitive Natural Features'</li> <li>○ PDP 3.8 'Cumulative effect'</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The appeal would create policy complexity, inconsistency and duplication of matters already covered in the Kapiti Coast District Plan</li> </ul>
	<ul style="list-style-type: none"> <li>• Policy 3.1 Protection</li> <li>• Policy 3.8 Management Approach to Biodiversity Protection</li> </ul>	<ul style="list-style-type: none"> <li>• The District Plan policy as decided by Kapiti Coast District Council appropriately covers matters under the RMA</li> </ul>
	<ul style="list-style-type: none"> <li>• Rule 3A.1.4 trimming or modification of indigenous vegetation</li> </ul>	<ul style="list-style-type: none"> <li>• The exemptions for Rural Hills Zone as decided by Kapiti Coast District Council are appropriate given the extent of provisions that apply in that area</li> <li>• It would be inappropriate to widen the application of rules to areas of indigenous vegetation that would impact existing farm/forestry or household operations</li> </ul>
	<ul style="list-style-type: none"> <li>• Rule 3A.1.8 Earthworks in all areas and Rule 3A.2.1 Earthworks not permitted by 3A1.8</li> <li>• Rule 3A.2.2 Modification of indigenous vegetation in scheduled areas</li> <li>• Rule 3A.3.1 – Trimming or modification of indigenous vegetation in scheduled areas</li> </ul>	<ul style="list-style-type: none"> <li>• Increasing the level of restriction creates excessive regulation given the provisions that already apply to these activities and extensive areas within the district</li> </ul>

Who	I am interested in the following particular issues	Reasons for opposition
	<ul style="list-style-type: none"> <li>• Rule 3A.3.4 Earthworks not complying with permitted activity standards</li> </ul>	
	<ul style="list-style-type: none"> <li>• Reinstatement of Proposed District Plan Rules:               <ul style="list-style-type: none"> <li>○ 3A.3.3 – Subdivision of land containing indigenous vegetation</li> <li>○ 3A.4.2 – Modification of indigenous vegetation that does not meet previous rule standards.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The amendments are not effective or efficient and do not promote the sustainable management of natural and physical resources under the Resource Management Act 1991</li> </ul>
	<ul style="list-style-type: none"> <li>• Rule 3A.3.8 - Trimming or modification of indigenous vegetation outside urban area that does not meet 3A.1.4</li> </ul>	<ul style="list-style-type: none"> <li>• Matters listed already provide extensive areas of discretion to be considered in carrying out the purpose of the RMA</li> </ul>

I oppose the relief sought because of the increased uncertainty and complexity it would introduce into our farming operations and the negative impact which the changes would have on our efforts to control environmental pests on our property. These include wildling pines, prickly moses acacia, macrocarpa, blackberry and wildling Erica (heather) amongst vegetative pests. Feral animal pests include goats, deer, pigs, possums, rats and mustelids all of which will be much more difficult to control if this appeal is granted.

I agree to participate in mediation or other alternative dispute resolution of the proceedings.

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Signature of person wishing to be a party

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Date

Address for service of person wishing to be a party:

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Contact person: Allan A Smith