

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV-2018-CHC-000254

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 Second-Generation Dunedin City
Plan

BETWEEN **FEDERATED FARMERS OF NEW
ZEALAND**

Appellant

AND **DUNEDIN CITY COUNCIL**

Respondent

**NOTICE OF WISH TO BE
PARTY TO PROCEEDINGS PURSUANT TO
SECTION 274 RESOURCE MANAGEMENT ACT 1991**

To: The Registrar

Environment Court

Christchurch

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:
 - (a) *Federated Farmers of New Zealand v Dunedin City Council (ENV-2018-CHC-000254)* being an appeal against decisions of the Dunedin City Council on the Proposed Second-Generation Dunedin City Plan.
2. HortNZ made submissions and further submissions on the Proposed Second-Generation Dunedin City Plan (submission number 1090 and further submission number 2452).
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 – Farming
 - (b) Hazardous Substances – Policy 2.2.6.2
 - (c) New Policy 2.3.1.7
 - (d) Earthworks and Biosecurity; 8A.5.1.2 to 8A.5.1.4 and 10.3.2.A; 10.3.2.1 to 10.3.2.4
 - (e) High Class Soils - policies 2.3.1.2, 2.3.1.10, 16.2.4.1, 16.2.4.2, 16.2.4.3, 17.2.4

(f) Reverse sensitivity and Objective 16.2.2, Policy 16.2.2.1 and 16.6.11 Setbacks

6. 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.



Rachel McClung

Environmental Policy Advisor – South Island
Horticulture New Zealand

23 January 2019

Address for service:

Horticulture New Zealand
PO Box 10232, Wellington 6143
Phone: 027 582 7474
Email: rachel.mcclung@hortnz.co.nz
Contact person: Rachel McClung

Advice

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

Provision Appealed by Federated Farmers	Scope for s274 (HortNZ submission point reference)	Support / Oppose	Reasons
Definition – Farming (Para 14)	OS 1090.4	Support	The decision amends the definition of farming to include provision for fixed wing aircraft, but not helicopters. These are included as a temporary activity in Chapter 4. Rule 4.5.3.3 limits helicopter movements to 20 flight movements per month. This means that use of helicopter for spraying etc may require consent if the 20 flight movements (10 take off and landings) are exceeded in any one month. The decision is based on HortNZ's submission, but it is not as sought. HortNZ supports the appeal to include helicopter movements in the definition of farming as sought by the Appellant.
Hazardous Substances – Policy 2.2.6.2 (Para 15)	1090.22, 23,24	Support	The decision adds new objectives and policies to Chapter 2 Strategic Directions 2.2.6 which were omitted from the notified plan. The decision states that have been added as a minor change. HortNZ submitted on the notified hazardous substances provisions but did not have an opportunity to submit on Objective 2.2.6 and Policies 2.2.6.1 and 2.2.6.2 as they were not notified.
New Policy 2.3.1.7 (Para 16)	FS2452.7 on OS918.22 by RadioNZ FS2452.13 on OS457.42 by Aurora Energy FS2452.12 on	Support	The new policy introduces 'protection' for the National Grid. The National Policy Statement for Electricity Transmission (NPSET) does not use the word 'protect' in this way, but instead seeks to manage the adverse effects of other activities on the network. The Partially Operative RPS for Otago has Policy 4.3.6 and

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	OS457.166 by Aurora Energy FS2452.17 on OS806.26 by Transpower FS2452.16 on OS806.25 by Transpower		Method 4.1.17 which provide for the National Grid by managing activities and providing controls on activities, but the RPS does not require protection.
Earthworks and Biosecurity; 8A.5.1.2 to 8A.5.1.4 and 10.3.2.A; 10.3.2.1 to 10.3.2.4 (Para 20)	1090.2	Support	HortNZ (1090.2) sought a suite of provisions to enable disposal of material infected by an unwanted organism. The decision accepts it in part and adds an exclusion to 8A.5.1.3, but the thresholds in the standards still apply. The vegetation clearance provision takes a different approach in that the exclusions are in the standards, which achieves the intent of providing for rapid response. HortNZ supports the exclusion for biosecurity in the standards as sought by the Appellant.
High Class Soils - policies 2.3.1.2, 2.3.1.10, 16.2.4.1, 16.2.4.2, 16.2.4.3, 17.2.4. (Para 22)	OS1090.13 OS1090.29 FS2452. 32 on OS702.11 Egg Producers	Support in part	The plan provides for both highly productive land, and high class soils, as identified in criteria in Policy 2.3.1.9. HortNZ supports the recognition of highly productive land but notes the potential confusion with two classifications. The Appellant

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			raises valid concerns about the minimum area that should be identified on planning maps as high class soils, especially where the land is on rolling to hilly country and seeks a review of the land classified as high class.
Reverse sensitivity and Objective 16.2.2, Policy 16.2.2.1 and 16.6.11 Setbacks (Para 23)	OS1090.31, OS1090.32 OS1090.38 and FS2452.55 opposing OS464.8 by C Valentine	Support	Decisions on Policy 2.3.1.2 have added a new policy – rules that require residential buildings to be set back from boundaries to minimise the potential for reverse sensitivity. Policy 16.2.2.1 has been amended to delete rural activities. HortNZ supported the notified plan setback in 16.6.11 of 40m but this has been reduced to only 20m between residential buildings for amenity purposes and ignored the need for setback from rural activities for reverse sensitivity purposes. The Appellant seeks that Objective 16.2.2 and Policy 16.2.2.1 be amended by reinstating recognition of rural activities and the 40m setback for residential building also be reinstated. HortNZ supports these changes to ensure that reverse sensitivity effects on primary production activities is appropriately managed.