

Form 33
Notice of person's wish to be party to proceedings

Section 274, Resource Management Act 1991

To the Registrar
Environment Court
Auckland, Wellington, and Christchurch

I, The [New Zealand Pork Industry Board \(NZ Pork\)](#) wish to be a party to the following proceedings:

[ENV-2025-CHC-72: Horticulture NZ v WDC](#)

I am [a person who made a submission about the subject matter of the proceedings](#).

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

I am interested in all (*or part of*) the proceedings.

The part of the proceedings I am interested in is:

[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 Waimakariri District Plan](#)

[BETWEEN Horticulture New Zealand](#)

[Appellant](#)

[AND Waimakariri District Council](#)

[Respondent](#)

I am interested in the following particular issues:

[HortNZ Appeal Point 2:](#)

[Provision EW-AN4:](#)

[HortNZ sought a definition and rule for Ancillary Rural Earthworks. The S42a author rejected the relief sought. The hearing decision also rejected the relief sought however added](#)

an advisory note. Advisory notes have no legal weight and therefore do not provide the necessary clarity as they are not enforceable.

The advisory note wording only covers a biosecurity emergency not burying of material infected by unwanted organisms (as declared by Ministry for Primary Industries Chief Technical Officer). If the unwanted organisms wording is not included this means a grower would likely have to apply for a consent to bury diseased vegetation

Relief sought:

1. Change the status of EW-AN4 from advisory note to exemption. Amend the wording of the exemption. These standards do not apply in the following situations:

During a state of emergency or transition period declared or where direction to undertake specific earthworks has been issued by the controller or recovery manager under the Civil Defence Emergency Management Act 2002; or during a biosecurity emergency declared by an authorised person under the Biosecurity Act 1993 **or the burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer.**

OR

2. Insert a PER rule for earthworks that covers a biosecurity emergency declared by an authorised person under the Biosecurity Act 1993 and the burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer. Include relevant exclusions for sensitive overlays.

NZ Pork supports the relief sought because—

Not all biosecurity incursions would constitute a biosecurity emergency that would trigger provisions in the RMA or the Biosecurity Act to override consenting requirements. The level of response required will depend entirely on the nature and scale of the incident. In addition, any exemption granted under the Act will be short-term only in nature. After the exemption ends, the provisions of the RMA apply to the same extent as those provisions would have applied but for the exemption. This creates uncertainty as to whether resource consent would retrospectively be required for the activity, and as such may still limit the scope of the response for the landowner to what is provided for under the district plan.

Biosecurity incidences which do not result in a declared emergency must therefore be managed to regional and district council plan requirements, including limitations on earthworks which may hinder any urgent response activity required to adequately address the incursion.

This is not a new matter and other District Plans recognise the issue and provide an appropriate resource management response.

The viability of the New Zealand pork industry is dependent on the benefits conveyed upon it from the absence of many viral pathogens which are common in much of the rest of the world

(porcine reproductive and respiratory syndrome virus, transmissible gastroenteritis, classical swine fever, African swine fever, swine influenza). Any incursion of new pathogens into the industry potentially jeopardises pork export marketing opportunities as well as directly creating financial and welfare hardships on New Zealand farms from the production consequences of these diseases.

Any biosecurity incursions within the industry must be able to be managed quickly and efficiently to contain spread. The intersect with the District Plan may well be in a response that requires burial of animal carcasses. The Regional Plan is in place to manage discharges from such activities but constraints on earthwork activity (volume and area) may inhibit a timely, efficient, and effective response.

We support the relief sought by HortNZ as being appropriate to manage biosecurity responses within the district efficiently and effectively.

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



Signature of person authorised to sign
on behalf of person wishing to be a party

10th September 2025

Address for service of person wishing to be a party:

New Zealand Pork

PO Box 20176

Bishopdale

Christchurch, 8543.

Telephone: 027 201 6261

Fax/email: Hannah.ritchie@pork.co.nz

Contact person: Hannah Ritchie, Environment and Planning Manager.

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after—

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* [form 38](#)).

Advice

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

Schedule 1 form 33: amended, on 10 October 2013, by [regulation 8\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 10 October 2013, by [regulation 8\(2\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 10 October 2013, by [regulation 8\(3\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 10 October 2013, by [regulation 8\(4\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 33: amended, on 1 June 2006, by [regulation 10\(4\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).