

**Notice of person's wish to be party to proceedings**  
***Section 274, Resource Management Act 1991***

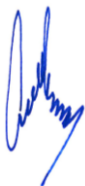
To the Registrar  
Environment Court  
Auckland

Potatoes NZ Incorporated wish to be a party to the following proceedings:

**Appeal To The Environment Court In Respect Of Decisions On The Proposed Waikato Regional Plan Change 1: Waikato And Waipā River Catchments: ENV 2020 AKL: 000089: Waikato Regional Council**

1. Potatoes New Zealand (**PNZ**) is a person who has an interest in the proceedings that is greater than the interest that the general public has; because the appeal is lodged on behalf of the organisation representing potato growers across NZ.
2. PNZ is also an affiliated but separate organisation to Horticulture NZ and had an interest in the initial submissions and further submissions of Horticulture NZ.
3. PNZ is not a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource Management Act 1991.
5. PNZ is directly affected by an effect of the subject of the appeal that—
  - (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.
6. PNZ is interested in part of the proceedings. The part of the proceedings PNZ is interested in are:
  - (a) Appeal point 2; regarding **Policy 2(c)**.
    - i. PNZ opposes this appeal point.
    - ii. The amendment does nothing to increase clarification of the policy. The relief sought in the table below and the decision wording is preferred.
    - iii. The amendment does not provide appropriately for commercial vegetable production (CVP) within Policy 2.
  - (b) Appeal point 4; regarding **Rule 3.11.4.1**.
    - i. PNZ opposes this appeal point.
    - ii. While Rule 3.11.4.8 provides for expansion, there should also be other pathways to authorise CVP, particularly for activities that meet the definition of moderate intensity or those activities operating within a collective.
    - iii. The relief sought in the table below and the decision wording is preferred.
  - (c) Appeal point 8; regarding **Rule 3.11.4.6**.

- i. PNZ supports this appeal point; in order to achieve consistency across the rule set for CVP.
  - (d) Appeal point 9; regarding **Rule 3.11.4.8**.
    - i. PNZ opposes this appeal point.
    - ii. The relief sought in our view is not giving effect to the decision of the Council and would make it difficult if not impossible to make an application as the full volume of activity covered by consents within the catchment will not be known until all consents are lodged.
    - iii. The relief sought in the table below and the decision wording is preferred.
  - (e) Appeal point 15; regarding **Schedule C (9) and Schedule D1 Part C (3)(b), Part D (4)(b), (5)(a) & (b), and (7)(a) Schedule D2 Part C(2)(b)**.
    - i. PNZ opposes this appeal point.
    - ii. Land Use Capability mapping can be undertaken at the farm scale and should be an option that is available. It is particularly important that a method outlines how farm scale mapping can be undertaken given the existing scale of LUC mapping within the region at 1:50,000.
  - (f) Appeal point 20; regarding the **Glossary**.
    - i. PNZ opposes this appeal point.
    - ii. The relief is not specified and may materially influence outcomes in relation to commercial vegetable production.
- 7. PNZ is generally interested in the effect of this appeal on the provisions for commercial vegetable production contained within HRWO PC1.
- 8. PNZ support (or oppose or conditionally oppose) the relief sought because—
  - (a) The proposed relief does not give effect to the RMA 1991 and subsidiary policies and regulations.
  - (b) PNZ prefers alternative relief that is set out in Attachment 1 below.
- 9. PNZ would also support and be interested in relief that changes any of the policy or methods within PC1 that achieves the same effect as the alternative relief proposed below.
- 10. PNZ agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Chris Keenan, authorised to sign  
on behalf Chris Claridge, Chief Executive, Potatoes NZ Incorporated

29 September 2020

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### Attachment 1 – Alternative relief proposed.

Provision of interest	Reason for interest	Decision sought
Policy 1/Te Kaupapa Here 1: (d)	Redundant emphasis on commercial vegetable production	Modify by deleting the references to not including and including vegetable production.
Policy 2/Te Kaupapa Here 2: Intro	The policy does not make it clear that this consenting pathway could be utilised to authorise commercial vegetable production.	<i>“Provide for farming activities (that require a resource consent) <del>other than commercial vegetable production</del>, with a Farm Environment Plan prepared in accordance with Policy 4, as follows: ...”</i>
Policy 3/Te Kaupapa Here 3 Intro	Provides a consent pathway for vegetable production on highly productive land which robust productive soils are optimised for the best purpose, retaining food production capability on unique finite soils.	<i>“Provide for commercial vegetable production <u>on LUC I, LUC II and LUC III land using the Land Use Capability (LUC) Survey Handbook, including the flexibility to undertake crop rotations on multiple and/or changing properties as follows; ...”</u></i>
Policy 3/Te Kaupapa Here 3 Clause (d)	Provide clarity that the other pathways are open to authorise commercial vegetable growing based on an assessment of effects.	<i>“<u>Recognise the positive contribution to people and communities from commercial vegetable production consistent with Te Ture Whaimana o Te Awa o Waikato by:</u>  1. <u>Allowing commercial vegetable production that can be authorised under Rules 3.11.4.4, 3.11.4.5, 3.11.4.6, and 3.11.4.7.</u>  2. <u>Providing additional opportunity to undertake commercial vegetable production in accordance with Rule 3.11.4.8.</u>  3. <u>Where consent is authorised under Rule 3.11.4.8; specifying in Table 1 in Rule 3.11.4.8 the maximum area of highly productive land available in Table 1 of Rule 3.11.4.8 <del>and providing an opportunity to increase commercial vegetable growing up to those maxima through a consent process, subject to: ...”</del></u>”</i>
Policy 3/Te Kaupapa Here 3 Clause (d)(i)		<i>“The location being within land classified as LUC 1, <del>2</del> and <del>3</del> <u>using the Land Use Capability (LUC) Survey Handbook.</u> “</i>
Policy 3.11.3 (d) iii	Consent is required for all	Amend Clause 3.11.3 (d) iii <i>“The area</i>

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	CVP. The area limit related to Rule 3.11.4.8 should only apply to land consented under that Rule. The Policy should distinguish between CVP consented under Rule 3.11.4.8 and CVP consented under other methods.	<i>utilised for commercial vegetable growing is less than the sub-catchment area limit in Table 1 in Rule 3.11.4.8 accounting for any consents that have already been granted under Rule 3.11.4.8; ..."</i>
Rule 3.11.4.4 Controlled activity rule; moderate intensity farming	The rule disallows CVP that can discharge at moderate intensity from being consented under this rule.	Delete Condition 4.  <del>No commercial vegetable production occurs; and</del>
Rule 3.11.4.5 Controlled activity rule; existing CVP	Ensure that the cap for existing vegetable production excludes land consented under other rules. Ensure that the matters of control for the rule account for the total of land used for the activity within each sub-catchment; and allow for the total to be maintained through the surrender and granting of leases and/or purchases across the FMU.	Amend condition 4 as follows.  <i>"4. The total area of land within each <del>sub-catchment</del> <u>freshwater management unit</u> for which consent is sought for commercial vegetable production must not exceed the maximum areas as identified in condition 3 of this rule; and <u>the total area of land within each sub-catchment is provided to the Waikato Regional Council on request for accounting purposes; and</u>"</i>  Amend matter of control (iii) as follows:  <i>"iii. The maximum total <del>and per sub-catchment</del> area of land to be used for commercial vegetable production."</i>
Rule 3.11.4.8 Intro	Amend to clarify the differing pathways for consenting commercial vegetable production	<i>"The use of land for commercial vegetable production on land which is additional to that regulated by <u>Rule 3.11.4.4</u>; 3.11.4.5, 3.11.4.6 and Rule 3.11.4.7, including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water, is a discretionary activity subject to the following conditions: ..."</i>
Rule 3.11.4.8 Condition 6		<i>"The land for which consent is sought must be entirely located on LUC 1, <u>2</u> and/or <del>32</del> land; and"</i>

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Rule 3.11.4.8 Discretionary activity rule; CVP expansion.	Align the rule to ensure it does not prevent the establishment of CVP under other methods.	<p>Amend the first paragraph of the rule to include the following words:</p> <p><i>“The use of land for commercial vegetable production on land which is additional to that regulated by <u>other rules (3.11.4.4, 3.11.4.5,.3.11.4.6 and 3.11.4.7) ...</u>”.</i></p> <p>Amend condition 7 as follows: <i>“7. The total area of land for which consent is sought must not, in combination with any extant resource consents <u>already granted under Rule 3.11.4.8</u>, exceed the maximum sub-catchment area limits specified in Table 1 below.”</i></p>