

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2017-AKL- 000089

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 Plan Change 1 to the Waikato
Regional Plan

BETWEEN **Waikato Regional Council**

Appellant

AND **Waikato Regional Council**

Respondent

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

To: The Registrar

Environment Court

Auckland

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) *Waikato Regional Council v Waikato Regional Council* (**ENV-2017-AKL 000089**) being an appeal against decisions of the Waikato Regional Council on the Proposed Plan Change 1 to the Waikato Regional Plan.
2. HortNZ made submissions and further submissions on the Proposed Plan Change 1 (submitter number 73801).
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. HortNZ is interested in the whole proceedings, noting particular interest in matters set out in the attached table.
6. HortNZ agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Lucy Deverall

Advisor, North Island, Natural Resources and Environment
Horticulture New Zealand

29 September 2020

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**ATKINS | HOLM | MAJUREY**

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Advice

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

Waikato Regional Council v Waikato Regional Council ENV-2020-AKL-000089

Provision appealed	Relief sought	Support / Oppose	Reason
Policy 2	<p>Amend to replace “Nitrogen Leaching Loss Rate” with “Nitrogen Loss”.</p> <p>To clarify “material increase”, amend 2(c) to read: <i>Generally not granting land use consent applications for changes in land use that involve a material increase in the intensity of the use of the loss of contaminants from the land compared with the losses as at 22 October 2016, unless it can be demonstrated that this would result in a positive contribution to the health and wellbeing of the Waikato and Waipā river catchments in accordance with Policy 5;</i></p>	Support	HortNZ agrees that referring to “nitrogen loss” is more in keeping with the intention of the panel’s decision to remove the emphasis on nitrogen as a proxy for intensification. There is also agreement that “material increase” is too ambiguous.
Rule 3.11.4.2	<p>Amend Rule 3.11.4.2 as follows: <i>Except as permitted by Rule 3.11.4. 1 or 3.11.4.3, or as regulated by Rule 3.11.4.8 or 3.11.3.9...</i></p>	Support	The relief sought provides clarity as to how the interim permitted activity rule is intended to apply.
Rule 3.11.4.6	<p>Amend Rule 3.11.4.6(2) as follows: <i>Farming (except for commercial vegetable production) is undertaken in conformance with the minimum farming standards in Schedule C...</i></p>	Support	The relief sought will enable the rule to align with Policy 3.
Rule 3.11.4.8	<p>Amend the heading of the third column of Table 1 at Rule 3.11.4.8 as follows: <i>Additional areal limits of land for CVP use per sub-</i></p>	Oppose in part/support in part	Hort NZ supports the inclusion of the word “additional” in the table as this supports the intention that expansion is in addition to existing.

	<p>catchment (hectares).</p> <p>Amend condition 7 as follows:</p> <p><i>The total area of land for which consent is sought must not, in combination with any extant resource consents <u>commercial vegetable production that is authorised by extant resource consents or otherwise lawfully established</u>, exceed the maximum sub-catchment areal limits specified in Table 1 below.</i></p>		<p>However, the wording in clause 7 limits growth until existing CVP is consented. This will have significant implications on the supply of fresh vegetables with ongoing implications for current and future health and wellbeing of individuals and communities.</p>
Schedule B A3(a)	<p>Amend to read:</p> <p><i>Alternative models may be used provided a suitably qualified and experienced nutrient loss modeller can demonstrate and has certified to WRC that the model:</i></p> <p>And insert:</p> <p><i><u>For the purposes of this provision the “suitably qualified and experienced modeller” must be a person with relevant qualifications and extensive experience relating to the modelling of nutrient loss from farming activities of the type undertaken in the Waikato Region. The qualifications and experience must relate to the application of Overseer and the alternative model.</u></i></p>	Support	<p>The relief sought generally provides more clarity, although ‘extensive’ experience could still be construed as ambiguous. However, HortNZ supports the need for relevant qualifications and experience relating to the modelling of nutrient loss from farming activities of the types in Waikato Region.</p>
Schedule C (6)	<p>Amend Schedule C 6 as follows:</p> <p><i>...Nitrogenous fertiliser is not applied at rates <u>to pasture</u> greater than 30kgN/ha per dressing, <u>excluding farm animal effluent</u>.</i></p>	Support	<p>The relief sought provides clarity as to how the standard is to be applied.</p>
Schedules D1, Part C (3) (b) and	<p>Deletion of provisions</p>	Support	<p>Deletion of requirements to map LUC are appropriate given the data limitations.</p>

Schedules D2, Part C (2)(b)			
Glossary generally	Amend the Proposed Plan definitions as necessary to align with definitions that are established though the Essential Freshwater programme.	Support in part	Alignment now would prevent an un-necessary plan change in the near future however need further discussion to ascertain any unintended consequences to the rule framework.