

**IN THE ENVIRONMENT COURT  
AUCKLAND REGISTRY**

**ENV-2017-AKL- 000100**

**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 Raupatu River Trust, Raukawa  
Charitable Trust, Te Awara River Iwi  
Trust, Tuwharetoa Maori Trust Board and  
Maniapoto Maori Trust Board (Waikato  
and Waipa River Iwi)**

Appellant

**AND** **Waikato Regional Council**

Respondent

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

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**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 and Waipa River Iwi v Waikato Regional Council (ENV-2017-AKL 000100)* 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 interesting in the matters set out in the table attached.
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 and Waipa River Iwi v Waikato Regional Council ENV-2020-AKL-000100**

Provision appealed	Relief sought	Support / Oppose	Reason
Ground Three	<p>Opposition to the expansion of CVP as a discretionary activity in some identified sub-catchments.</p> <p>Claims error in interpreting Te Ture Whaimana o Te Awa o Waikato.</p> <p>Claims error of law in that the evidence presented for Horticulture NZ requested approximately 715ha to allow for growth and land lost to urban development. The Panel's Decision 'constrained' expansion to 13 sub-catchments in the lower Waikato and Waipā. However, that area equates to nearly 3,698ha.</p>	Oppose	<p>HortNZ does not agree that the area amounts to 3,698ha. HortNZ's evidence provides an analysis of two areas of land – 716ha and 2,038ha. The evidence of Stuart Easton demonstrates that in both situations, there is negligible increase in N leaching and benefits gained in sediment, <i>E.Coli</i> and phosphorus. HortNZ's Industry Statements outline the importance of fresh fruit and vegetables and the need to enable limited CVP expansion in order to feed local communities.</p>
Rule 3.11.4.5	<p>Insert new clauses in rule 3.11.4.5(5)(b) to read:  <u>iii. demonstrating a general improvement in farming practice to reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens; and</u>  <u>iv. demonstrating the farming practices will be actioned to reduce diffuse discharges of the contaminant(s) of priority for the relevant sub-catchment set out in Table 3.11-2;</u></p>	Support	<p>HortNZ agree that the proposed amendments provide clarity in the relationship between policy, rule and schedules.</p>

Rule 3.11.4.7	<p>Insert new clauses in rule 3.11.4.7(4)(b) to read:</p> <p><u>iii. demonstrating a general improvement in farming practice to reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens; and</u></p> <p><u>iv. demonstrating the farming practices will be actioned to reduce diffuse discharges of the contaminant(s) of priority for the relevant sub-catchment set out in Table 3.11-2; and</u></p> <p><u>v. showing actions and mitigations that demonstrate how the farming activity will achieve the goals and principles set out in Part D of Schedule D2; and</u></p> <p><u>vi. providing evidence to demonstrate how a significant reduction in the Nitrogen Leaching Loss Rate will be made; and</u></p>	Support	HortNZ agree that the proposed amendments provide clarity in the relationship between policy, rule and schedules.
Rule 3.11.4.8	<p>Delete Policy 3(d) and Rule 3.11.4.8.</p> <p>OR</p> <p>Discretionary rule for the development of TWAL (currently a non-complying activity) so as to be comparable to Rule 3.11.4.8, to prevent the intent of Objective 4(b) and Policy 18 from being undermined.</p> <p>AND</p> <p>Re-calibrate Table 1 in Rule 3.11.4.8 to identify a combined maximum area limit of 716ha from the identified sub-catchments.</p> <p>AND</p> <p>Insert new clauses in rule 3.11.4.8(4)(b) to read:</p> <p><u>iii. demonstrating a general improvement in farming</u></p>	Support in part/ Oppose in part	<p>HortNZ supports a separate rule for Tangata Whenua Ancestral Land.</p> <p>HortNZ opposes deletion of Policy 3(d) and Rule 3.11.4.8 as this would result in an inability to provide food supply necessary for human health. HortNZ opposes relief sought for Rule 3.11.4.8 in regards to the recalibration of land for the reasons outlined above.</p>

	<p><u>practice to reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens; and</u></p> <p><u>iv. demonstrating the farming practices will be actioned to reduce diffuse discharges of the contaminant(s) of priority for the relevant sub-catchment set out in Table 3.11-2;</u></p> <p><u>v. showing actions and mitigations that demonstrate how the farming activity will achieve the goals and principles set out in Part D of Schedule D2; and</u></p> <p><u>vi. if the NLLR for the property is High as identified in Table 1 in Schedule B(B), demonstrate how a significant reduction in the Nitrogen Leaching Loss Rate will be made; and</u></p>		
Rule 3.11.4.9	<p>Delete Policy 3(d) and Rule 3.11.4.8.</p> <p>AND</p> <p>Retain Rule 3.11.4.9 End Date '10 years from the date on which PC1 would become operative'.</p> <p>OR</p> <p>Discretionary rule for the development of TWAL (currently a non-complying activity) so as to be comparable to Rule 3.11.4.8, to prevent the intent of Objective 4(b) and Policy 18 from being undermined.</p>	Support in part/ Oppose in part	Oppose deletion of Policy 3(d) and Rule 3.11.4.8 as this would result in a failure to meet increasing demand for fresh vegetables and unintended consequences for communities. Support new discretionary rule for Tangata Whenua Ancestral Land.
Schedule B	<p>Re-calibrate down the values for the 'Low' and 'Moderate' NLLR Levels set out in Table 1.</p> <p>AND</p> <p>Insert new note in Table 1: Nitrogen Leaching Loss Rate</p>	Oppose in part	HortNZ oppose limiting the calculation of NLR to overseer only. HortNZ seek to be involved in any discussions on the recalibration of NLR figures due to consequential impacts to the

	<p>levels to read:  <u>Note: The 'Low', 'Moderate' or 'High' NLLR levels in Table 1 are not intended to act as a numerical target to demonstrate compliance with any condition of resource consent.</u></p>		industry as a result.
Schedule C	Improvements to Schedule C are required, starting with acknowledging and requiring adherence to current industry guidance documents (e.g. Farm Dairy Effluent Code of practice); setting requirements to minimise sediment loss; controls around stock movement in confirmed areas; cultivation and irrigation.	Neutral	The appeal seeks "improvements" but does not provide any specific detail so it is unclear what the direct and consequential impacts may be.
Schedule D2	<p>WRC needs to undertake modelling to provide comfort that Schedule C + Schedule D1 + Schedule D2 will equate to 20% improvement in the 10-year timeframe post Chapter 3.11 becoming operative.  AND  Amend Part E of Schedule D2 to provide for reviewing and updating FEPs</p>	Support in part/ Oppose in part	HortNZ agrees that discussion is required around the 20% improvement. Part F already provides for updates/ amendments to FEPs so the wording sought in the appeal is superfluous.
Table 3.11-1	Amend Table 3.11-1 to follow the expert recommendations.	Support in part	HortNZ seeks to be involved in any discussions amending the tables due to the potential for consequential impacts.
Table 3.11-2	Improve and strengthen the linkages between what PC1 sets out to achieve (the water quality Attribute States set in Tables 3.11-1) and how it will achieve it (the various land use control policies, rules and schedules)	Support in part	HortNZ seeks to be involved in any discussions amending the tables due to the potential for consequential impacts.

Table 3.11-3	Re-order the sub-catchments in Table 3.11-3 to optimise achieving the short-term [10-year] numerical water quality attributes in Table 3.11-1.	Support in part	HortNZ seeks to be involved in any discussions amending the tables due to the potential for consequential impacts.