

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2017-AKL- 000102

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 **Federated Farmers of New Zealand Inc**

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) *Federated Farmers of New Zealand Inc v Waikato Regional Council (ENV-2017-AKL 000102)* 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 the 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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Advice

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

Federated Farmers of New Zealand Inc v Waikato Regional Council ENV-2020-AKL-000148

Provision Appealed	Relief Sought	Support / Oppose	Reason
Policy 2	<p>Amend the policy guidance for the preparation of FEPs so that it is clear, consistent, reasonable and practicable.</p> <p>Delete paragraphs a and b and replace them with a framework that recognises all contaminants, provides for tailored FEPs, and provides an appropriate transition pathway and/or</p> <p>recognises geophysical and other constraints or influences on high intensity activities.</p> <p>Amend paragraph c (and elsewhere in PC1) to clarify that land uses are not grand parented to the intensity they were operating at in 2016, to provide a reasonable definition as to what is considered to be a “material” increase in intensity of land use and to provide flexibility for intensification to recognise the nature of farming.</p> <p>Amend paragraph d to require stock to be excluded from permanent waterbodies.</p>	Support in part	The appellant seeks a range of changes to improve certainty and consistency. HortNZ seeks to be involved in discussions due to the potential for consequential impacts.

	<p>Amend paragraph e to:</p> <ul style="list-style-type: none"> - apply to areas “in accordance with Schedule C”; - Ensure adverse effects are “managed” rather than “minimised”; - Have mitigation measures in FEPs rather than consent conditions. <p>Amend (or otherwise delete) paragraph f to read as follows:</p> <p><i><u>Where appropriate and practicable, encouraging (but not requiring) creation of</u></i></p> <p><i>riparian buffers (with appropriate riparian vegetation where necessary) adjacent to</i></p> <p><i><u>Schedule C waterbodies rivers, streams, drains, wetlands, lakes and springs to manage critical source areas</u> reduce overland flow of contaminants and improve freshwater habitat quality.</i></p>		
Policy 3	Amend Policy 3 to ensure a consistent and equitable approach to all activities in the PC1 catchment and to address Federated Farmers’ concerns (aligning CVP provisions with the outcomes of provisions for pastoral farming).	Oppose	The pathway for commercial vegetable production in PC1 still requires improvement in water quality and will require practice change in order to meet long term goals. The evidence of HortNZ demonstrates the impacts, including

			benefits, of CVP on human health and water quality.
Policy 4	<p>Amend Policy 4 to ensure that the focus is on providing a reasonable and implementable framework for FEPs.</p> <p>Amend paragraph a to address Federated Farmers' concerns, including that the NLLR should be used as a drafting gate for dairy activities.</p> <p>Amend paragraph b as follows:</p> <p>Identify land most vulnerable to diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens including critical source areas for overland flow of sediment, phosphorus and microbial pathogens; and Having regard to the Catchment Profiles and the framework described in Policy 2(a) [as amended by Federated Farmers' appeal] Identify land most vulnerable identify actions to manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens including critical source areas for overland flow of sediment, phosphorus and microbial pathogens; and</p> <p>Amend paragraph c as follows:</p>	Support in part	HortNZ seeks to be included in discussions on improving the FEP and NLR processes due to the potential for consequential impacts on the industry.

	<p><i>Take a risk-based approach to managing land use, including adaptive management, to <u>respond to environmental, economic and technological changes over time</u> reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens; and</i></p> <p>Amend paragraph e as follows:</p> <p><i>Prioritise actions and timing of those farming practices that will reduce <u>manage</u> the contaminant(s) set out in Table 3.11-2, having regard to any relevant sub-catchment, or collective management plan and <u>Catchment Profile, the contribution of the farming enterprise to the contaminant and the resources reasonably available to the farm enterprise in terms of those priority actions</u>; and</i></p> <p>Amend paragraph f as follows:</p> <p><i>Take account of any off-property mitigation within the sub-catchment (e.g. from a</i></p> <p><i>sub-catchment collective approach, <u>Catchment Profile</u> or other Farm Environment Plans) of the effects of diffuse discharge; and</i></p>		
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	<p>Amend paragraph g as follows:</p> <p><i>Set out clear, specific and time bound actions and practices, <u>whilst recognising that those proposed mitigations that are further into the future will not have the same specificity or clarity as those in the immediate future, with the former being refined as the time approaches</u>; and</i></p> <p>Amend paragraph h as follows:</p> <p><i>Enable Farm Environment Plans to be updated (<u>without requiring a variation in resource consent</u>) so that continuous improvement, new technologies and mitigation practices can be adopted, such that where necessary diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens further reduce to assist in meeting the objectives of this Chapter.</i></p>		
New Rules	<p>Adopt a new Rule 3.11.4.3A to provide for farming activities as a permitted activity under a Sector Scheme.</p> <p>Adopt a new Rule 3.11.4.7A to provide for catchment collectives as a restricted discretionary activity.</p>	Support in part	HortNZ seeks to ensure adequate provision for catchment collectives.
Rule 3.11.4.8	<p>Amend paragraph 7 as follows:</p> <p><i>The total area of land for which consent is sought must not, in</i></p>	Oppose	The purpose of the rule is to provide for limited expansion in addition to existing activities. HortNZ's evidence provides

	<p><i>combination with any extent resource consents <u>for commercial vegetable production granted under Chapter 3.11</u>, exceed the maximum sub-catchment area limits specified in Table 1 below.</i></p> <p><i>Such other amendments as are necessary to address Federated Farmers' concerns and ensure a practicable and consistent rule framework.</i></p>		<p>detailed analysis on the area maximum's and the cumulative effects on water quality (including existing activities). Restricting expansion until all CVP consents under Chapter 3.11 are consented will result in failure to produce to enough fresh vegetables to meet demand.</p>
Schedule E	<p>Amend Schedule E (as well as to the relevant policies, rules and schedules) to achieve a Sector Scheme regime under which FEPs can be prepared as a permitted activity, reduce the risk of regulatory failure, and without placing the obligation of monitoring and enforcing compliance with FEPs on Sector Schemes.</p>	Oppose	<p>Sector schemes will be critical to the successful implementation and ongoing monitoring of PC1. Sector schemes should apply to both permitted and consented activities.</p>
CFEP and CFNA	<p>Federated Farmers has proposed in the context of Schedules D1 and D2 that a CFEP and CFNA could be replaced by a suitably qualified and experienced person (SQEP). If this is the case, or if the term SQEP is to also be used, Federated Farmers seeks the adoption of a reasonable and appropriate definition of SQEP and/or the deletion of the definitions of CFEP and/or CFNA.</p>	Oppose in part	<p>No proposed wording provided. HortNZ wishes to be involved in any discussions on definitions of SQEPs or and/or deletion/amendments to definitions of CFEP/CFNA.</p>