

IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2020-AKL-000148

I MUA I TE KOOTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU

IN THE MATTER of the Resource Management Act 1991

A N D

IN THE MATTER of an appeal pursuant to clause 14(1) of the First
Schedule of the Act

BETWEEN **PUKEKOHE VEGETABLE GROWERS
ASSOCIATION**

Appellant

A N D **WAIKATO REGIONAL COUNCIL**

Respondent

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274 Resource Management Act 1991

29 September 2020



**FEDERATED
FARMERS**
OF NEW ZEALAND

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To: The Registrar
Environment Court
Auckland

Federated Farmers of New Zealand Inc ("**Federated Farmers**") wishes to be a party to the following proceedings:

Pukekohe Vegetable Growers Association v Waikato Regional Council
ENV-2020-AKL-000148

Federated Farmers made a submission about the subject matter of the proceedings.

Federated Farmers is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

Federated Farmers is interested in all of the proceedings.

1. Federated Farmers represents farmers in the Waikato and Waipā Rivers Catchment.
2. Federated Farmers has appealed the decision to on Proposed Waikato Regional Council Plan Change 1 – Waikato and Waipā River Catchments ("**PC1**"), as amended by the Hearing Panel, in its entirety, i.e. the decision as it relates to the introduction and all of the objectives, policies, methods, rules, definitions and schedules.
3. Federated Farmers supports sustainable management of resources and the use of regulatory and non-regulatory measures to maintain or enhance water quality, and to restore and protect the health and wellbeing of the Waikato and Waipā Rivers. However, Federated Farmers considers that the regulatory and non-regulatory methods proposed in PC1 do not appropriately give effect to the relevant higher order documents, have not appropriately balanced environmental, economic, social and cultural considerations, and are not the most efficient and effective means of achieving the objective of the plan change.
4. Federated Farmers is interested in all the issues raised by the Appellant.
5. Federated Farmers supports in part and opposes in part the relief sought by the Appellant.

6. Without limiting the generality of the above, an explanation of the issues that Federated Farmers has particular interest in is set out in **Appendix A**.

7. Federated Farmers agrees to participate in mediation or other alternative dispute resolution of the proceedings.



N J Edwards / L F Jeffries

Counsel for Federated Farmers

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APPENDIX A

Provision Appealed	Reasons for Appeal	Relief Sought by Appellant	Support/Oppose	Reason
Policies				
Policy 3		<p>Provide for rotation between sub-catchments within an FMU.</p> <p>Ensure Nitrogen Leaching Loss Rate wording aligns with Schedule B.</p> <p>Provide for expansion to allow CVP to meet fresh produce demand, allowing for required rotations, preventing supply and pricing issues.</p>	Oppose	<p>Federated Farmers considers that a consistent and equitable approach to all activities in the PC1 catchment ought to be adopted to ensure that everyone is doing their part to improve water quality.</p> <p>Federated Farmers does not consider the relief sought to be consistent with the approach to all other farming activities.</p>
Policy 6		<p>Expand to utilise existing industry schemes and to provide for Certified Sector Scheme certification and auditing of farm plans.</p> <p>Refer to operator, not property owner.</p>	Support in part Oppose in part	<p>Federated Farmers supports encouraging sector schemes to play a greater role in the implementation of PC1.</p> <p>Federated Farmers supports reference to the property operator but considers both the owner and operator could be referenced as proposed in the Federated Farmers' appeal.</p>
Implementation Methods				
Method 3.11.3.5		<p>WRC should work in conjunction with Certified Sector Schemes to undertake research and to develop and disseminate best practise guidelines.</p>	Support in part	<p>Federated Farmers agrees that WRC should work in conjunction with Certified Sector Schemes to undertake research and to develop and disseminate best practise guidelines.</p>
Rules				
Rule 3.11.4.4 – Controlled Activity Rule – Moderate intensity farming		<p>Rule wording should be focussed on discharge and not land use for consenting, as consent must enable rotation of crops across a range of properties to be operationally implementable.</p>	Support in part	<p>Federated Farmers considers rules should be effects based.</p>
Rule 3.11.4.5 Controlled Activity Rule		<p>Ensure rule relates to properties, not property, or rotation will not be enabled. CVP rotations generally occur on multiple properties across</p>	Support in part Oppose in part	<p>Federated Farmers is interested in this appeal point so as to ensure that any outcomes are consistent with the outcomes sought in Federated Farmers' appeal.</p>

		<p>numerous sub-catchments at any one time.</p> <p>Rotation between sub-catchments within an FMU should be enabled</p> <p>Rule wording should be focussed on discharge and not land use for consenting, as consent must enable rotation of crops across a range of properties to be operationally implementable.</p> <p>Wording should relate to the activity not to the applicant.</p> <p>Rotations should be regularly updated within the Farm Plan.</p> <p>Registration requires amendment to capture specific requirements and reference range for CVP.</p>		
Rule 3.11.4.6 – Restricted Discretionary Activity Rule – Farming in Whangamarino		<p>CVP requires ability to farm on more than one property as a part of normal rotations required to maintain crop and soil health. Rule wording should reflect this.</p> <p>Rule should relate to discharges associated with activity, as opposed to land use.</p>	Support	Federated Farmers supports that the rule should not exclude farming that is carried out over more than one property.
Rule 3.11.4.7 – Discretionary Activity Rule – Farming in a collective, high intensity farming, and farming not otherwise authorised		<p>CVP requires ability to farm on more than one property as a part of normal rotations required to maintain crop and soil health. Rule wording should reflect this.</p> <p>Rule should relate to discharges associated with activity, as opposed to land use.</p>	Support	Federated Farmers supports that the rule should not exclude farming that is carried out over more than one property.
Rule 3.11.4.8 – Discretionary Activity Rule – Commercial vegetable production expansion		<p>CVP enterprises must be able to meet fresh produce demand while maintaining adequate rotations to ensure crop and soil health. Expansion should be enabled onto</p>	Oppose	Federated Farmers considers that Rule 3.11.4.8 needs to ensure consistency with the rest of the regulatory framework in terms of consistent expectations of farmers and everyone

		<p>suitable land for CVP, with limitations only imposed for high leaching activities in sensitive sub-catchments.</p> <p>The consent should focus on discharge, enabling rotation of crops.</p> <p>Rotation between sub-catchments within an FMU should be enabled.</p>		<p>doing their part to improve water quality.</p> <p>Federated Farmers does not consider the relief sought to be consistent with the approach to all other farming activities.</p>
Schedules				
Schedule A – Registration with Waikato Regional Council		<p>Registration is inconsistent with CVP reference period and requirements. Currently appears to relate to pastoral farming. Requires amendment to be suitable for CVP.</p>	Support in part	<p>Federated Farmers considers that it may be appropriate to allow CVP properties to be registered consistent with the CVP reference period. Federated Farmers is concerned that this still ensures all relevant and appropriate information is provided</p>
Schedule C – Minimum farming standards		<p>Operationally, the inclusion of artificial drains makes this unworkable for CVP. Artificial drains run through many growing properties and cultivation occurs alongside and within 5m, however, drains are bunded and water from within the paddock is channelled to sediment traps for treatment and is separate from the drains. Setbacks from waterbodies are not always the most effective mitigation for CVP and mitigations should align with the industry approved Code of Practice for Erosion and Sediment Control for Vegetable Production. Either artificial drains should be removed from Schedule C, wording amended to reflect the above, or CVP should be excluded from this.</p>	Support	<p>Federated Farmers supports the removal of artificial drains from Schedule C.</p>