

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I MUA I TE KOOTI TAIAO
I TĀMAKI MAKĀURAU ROHE**

IN THE MATTER of the Resource Management Act 1991 (**the Act**)

AND

IN THE MATTER of an appeal under Clause 14 of the First Schedule
of the Act

BETWEEN **Pukekohe Vegetable Growers Association**

Appellant

AND **Waikato Regional Council**

Respondent

NOTICE OF APPEAL – PUKEKOHE VEGETABLE GROWERS ASSOCIATION

TO: The Registrar
Environment Court
AUCKLAND

NOTICE OF APPEAL OF HORTICULTURE NEW ZEALAND

1. Pukekohe Vegetable Growers Association (**PVGA**) appeals part of the decision of Plan Change 1 to the Waikato Regional Plan (**PC1**).
2. PVGA made a submission on PC1 and has participated throughout the hearing process.
3. PVGA is not a trade competitor for the purposes of section 308D of the Act.
4. PVGA received notice of the decision on 22 April 2020.
5. The decision was made by the Waikato Regional Council (**Council**).

REASONS FOR APPEAL

6. Crop rotations are an essential element of Commercial Vegetable Production (CVP) activities. CVP enterprises farm on, and rotate between, multiple properties in different locations, at any one time. These locations may be in different sub-catchments within a Freshwater Management Unit.
7. The necessity for rotation is to prevent the build-up of soil borne diseases. Growers regularly plan rotations so that they can grow on rested land, or on land that has been utilised for different crops in the rotation sequence. This maintains soil and crop health and assists in achieving improved environmental outcomes.
8. Fresh produce is essential for human health. All New Zealanders should have access to affordable fresh produce. Adequate land area must therefore be attainable for CVP activities to meet fresh produce demands, while maintaining crop rotations that are essential for crop and soil health. Restrictions to availability of land for CVP will affect the supply and therefore cost of vegetables within our market systems. Food security should be a priority in the current climate.
9. The Farm Environmental Plan is supported as a valuable tool for ensuring that on farm practices are being conducted according to good management practices. Sustainable practices are already an essential element of the New Zealand Good Agricultural Practice

(NZ-GAP) system, which every grower must be certified by, to supply supermarkets, markets and processors. This certification verifies that growers meet specific criteria and demonstrate their commitment and ability to grow fresh produce in accordance with sustainable and responsible practises. NZ-GAP has developed an Environment Management System (EMS) that sits alongside the existing NZ-GAP audit, providing a framework for growers to identify, manage and achieve their environmental obligations in the context of regional and national regulation. PVGA support the adoption of NZ-GAP as a certified sector scheme.

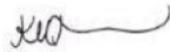
RELIEF SOUGHT

10. PVGA have provided general recommendations to assist in amendments that will ensure the Plan can be implemented operationally. Recommendations detailed in the table at **Appendix A.**

WAIVERS

11. It is understood that service on submitters will be affected by Council, and there is no requirement to attach the Appellant's submission, the Council decision, or a list of parties to be served.

DATE: 14 August 2020



Kylie Faulkner

President, Pukekohe Vegetable Growers
Association

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Appendix A: Recommendations

Provision	Required amendments
Policies	
Policy 3/Te Kaupapa Here 3	<ul style="list-style-type: none"> • Provide for rotation between sub-catchments within an FMU • Ensure Nitrogen Leaching Loss Rate wording aligns with Schedule B • Provide for expansion to allow CVP to meet fresh produce demand, allowing for required rotations, preventing supply and pricing issues.
Policy 6/ Te Kaupapa Here 6:	<ul style="list-style-type: none"> • Expand to utilise existing industry schemes and to provide for Certified Sector Scheme certification and auditing of farm plans • Refer to operator, not property owner.
Implementation Methods	
3.11.3.5 Support research and dissemination of best practice guidelines to reduce diffuse discharges/Te taunaki i te rangahau me te tuaritanga o ngā aratohu mō ngā mahi tino whai take hei whakaiti i ngā rukenga roha	<ul style="list-style-type: none"> • WRC should work in conjunction with Certified Sector Schemes to undertake research and to develop and disseminate best practise guidelines.
Rules	
Rule 3.11.4.2 Interim Permitted Activity Rule – Farming prior to obtaining consent/Te Ture mō te Tūmahi ka Whakaaetia mō tētehi Wā – Te mahi pāmu i mua i te whai whakaaetanga	<ul style="list-style-type: none"> • 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 • Minimum Farming Standards require amendment to be operationally implementable for CVP, as detailed within Schedule C comments.

<p>Rule 3.11.4.5 Controlled Activity Rule – Existing commercial vegetable production/Te Ture mō te Tūmahi e āta Whakahaerehia ana – Te whakatupu huawhenua ā-arumoni kua tīmata kē</p>	<ul style="list-style-type: none"> • Ensure rule relates to properties, not property, or rotation will not be enabled. CVP rotations generally occur on multiple properties across numerous sub-catchments at any one time • Rotation between sub-catchments within an FMU should be enabled • 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 • Wording should relate to the activity not to the applicant • Rotations should be regularly updated within the Farm Plan • 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 Wetland catchment/Te Ture 3.11.4.6 Te Ture mō te Tūmahi e Hāngai ana ki tā te Kaiwhakamahi e Hiahia ai, kua Rāhuitia – Te mahi pāmu i te riu o ngā repo o Whangamarino</p>	<ul style="list-style-type: none"> • 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 • Rule should relate to discharges associated with activity, as opposed to land use.
<p>Rule 3.11.4.7 Discretionary Activity Rule – Farming in a collective, high intensity farming, and farming not otherwise authorised/Te Ture 3.11.4.7 Te Ture mō te Tūmahi e Hāngai ana ki tā te Kaiwhakamahi e Hiahia ai – Te mahi pāmu hei tōpū, te mahi pāmu e muia ana e te kararehe me te mahi pāmu kāore i whakamanahia kēhia</p>	<ul style="list-style-type: none"> • 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 • Rule should relate to discharges associated with activity, as opposed to land use.

<p>Rule 3.11.4.8 Discretionary Activity Rule – Commercial vegetable production expansion/ Te Ture 3.11.4.8 Te Ture mō te Tūmahi e Hāngai ana ki tā te Kaiwhakamahi e Hiahia ai – Te whakawhānuitanga o te whakatupu huawhenua ā-arumoni</p>	<ul style="list-style-type: none"> • 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 suitable land for CVP, with limitations only imposed for high leaching activities in sensitive sub-catchments • The consent should focus on discharge, enabling rotation of crops • Rotation between sub-catchments within an FMU should be enabled.
<p>Schedules</p>	
<p>Schedule A – Registration with Waikato Regional Council/Te Whakaritenga A – Te rēhita ki te Kaunihera ā-Rohe o Waikato</p>	<ul style="list-style-type: none"> • Registration is inconsistent with CVP reference period and requirements. Currently appears to relate to pastoral farming. Requires amendment to be suitable for CVP.
<p>Schedule C - Minimum farming standards/Te Whakaritenga C – Te Pae Raro o Ngā Taumata Mahi Pāmu</p>	<ul style="list-style-type: none"> • 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.