

**Notice of person's wish to be party to proceedings**  
***Section 274, Resource Management Act 1991***

To the Registrar  
Environment Court  
Auckland

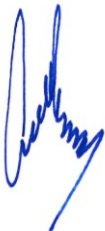
Potatoes NZ Incorporated wish to be a party to the following proceedings:

**Appeal To The Environment Court In Respect Of Decisions On The Proposed Waikato Regional Plan Change 1: Waikato And Waipā River Catchments: ENV 2020 AKL: 000084: Fonterra Co-operative Group Ltd.**

- 1) Potatoes New Zealand (**PNZ**) is a person who has an interest in the proceedings that is greater than the interest that the general public has; because the appeal is lodged on behalf of the organisation representing potato growers across NZ.
- 2) PNZ is also an affiliated but separate organisation to Horticulture NZ and had an interest in the initial submissions and further submissions of Horticulture NZ.
- 3) PNZ is not a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource Management Act 1991.
- 4) ,
- 5) PNZ is directly affected by an effect of the subject of the appeal that—
  - a) adversely affects the environment; and
  - b) does not relate to trade competition or the effects of trade competition.
- 6) PNZ is interested in part of the proceedings. The part of the proceedings PNZ is interested in are:
  - a) Grounds for appeal point 8(b)
    - i) PNZ conditionally supports this appeal point.
    - ii) The Waikato and Waipā River need to be managed in an integrated and holistic manner.
  - b) Grounds for appeal point 8(b); regarding Achievement of the 20% required improvement in the Plan.
    - i) PNZ opposes this appeal point.
    - ii) The appeal considers that the costs of implementing PC1 only falls on the dairy sector.
    - iii) The dairy sector has been demonstrated to be a significant contributor by scale and intensity to the current water quality in the Waikato and Waipā Rivers.
    - iv) Land use across all sectors (including urban) has contributed to the current state of water quality, and all sectors are contributing to the achievement of the Vision and Strategy.
    - v) PNZ does not consider this reasonable grounds for appeal.
  - c) Unnamed appeal point regarding **Objective 2 and Table 3.11-1.**

- i) PNZ conditionally supports and opposes this appeal point.
  - ii) PNZ supports targeted reductions in the Table 3.11-1 sub-catchments.
  - iii) PNZ notes there is not robust science to predict the existence of a universal 'lag' and each sub-catchment needs to be assessment independently.
  - iv) The amendment does nothing to increase clarification of the policy. The relief sought in the table below and the decision wording is preferred.
  - v) The relief proposed for Objective 2 is not clear.
  - vi) PNZ maintains an interest in any change that would adversely affect CVP provisions and proposed alternative relief to other parts of the plan change.
- d) The un-numbered appeal point on **Policy 1**.
- i) PNZ is opposed to the relief sought.
  - ii) PNZ prefers the effects based regime proposed in alternative relief sought below.
- e) The un-numbered appeal point on **Policy 2**.
- i) PNZ is opposed to the amendments sought in this policy.
  - ii) PNZ prefers the effects based regime proposed in alternative relief sought below.
- f) The un-numbered appeal point on **Policy 3**.
- i) PNZ is conditionally opposed to the amendments sought in this policy.
  - ii) PNZ prefers the effects based regime proposed in alternative relief sought below.
- g) The un-numbered appeal point on **Policy 4**.
- i) PNZ is conditionally supports to the amendments sought in this policy.
  - ii) PNZ prefers the effects based regime proposed in alternative relief sought below.
- h) The un-numbered appeal point on **Policy 10**.
- i) PNZ is conditionally opposed to the amendments sought in this policy.
  - ii) PNZ prefers the effects based regime proposed in alternative relief sought below.
- i) The un-numbered appeal point on **Rule 3.11.4.5**.
- i) PNZ is opposed to the amendments sought in this rule.
  - ii) The appeal point hasn't considered the proportionality of the different catchment contributions.
  - iii) PNZ prefers the effects based regime proposed in alternative relief sought below.
- j) The un-numbered appeal point on **Rule 3.11.4.8**.
- i) PNZ is opposed to the amendments sought in this rule.
  - ii) The appeal point hasn't considered the proportionality of the different catchment contributions.
  - iii) PNZ prefers the effects based regime proposed in alternative relief sought below.
- k) The un-numbered appeal point on **Rule 3.11.4.9**.
- i) PNZ is conditionally opposed to the amendments sought in this appeal point.
  - ii) It is not clear how the changes sought will affect the PC1 decision version and PNZ retains an interest in the relief sought.

- l) The un-numbered appeal point on **Schedule B**.
  - i) PNZ is conditionally opposed to the amendments sought in this appeal point.
  - ii) PNZ support the ability to adjust the Table 1 values as version of OVERSEER or alternative models are used to estimate land use intensity.
  - iii) PNZ has an interest in the amendments proposed to Schedule B; and considers that any relief adopted should consider other methods and models; as well as the consideration of activities under the moderate intensity rule.
  
- m) PNZ opposes in part the relief sought under the heading “**Other**” in relation to the use of other models or methods and has an interest in how OVERSEER is to be updated and the consequences of the relief sought on CVP.
  
- n) PNZ retains an interest in relief sought to **Schedule D1** in relation to reporting the area of cultivation. The reporting requirement must not be onerous to the point it renders the consent unworkable.
  
- o) PNZ maintains an interest in the relief proposed to Schedule D2.
  
- 8) PNZ is generally interested in the effect of this appeal on the provisions for commercial vegetable production contained within HRWO PC1.
  
- 9) PNZ conditionally oppose the relief sought because—
  - a) The proposed relief does not give effect to the RMA 1991 and subsidiary policies and regulations.
  - b) PNZ prefers alternative relief that is set out in Attachment 1 below.
  
- 10) PNZ would also support and be interested in relief that changes any of the policy or methods within PC1 that achieves the same effect as the alternative relief proposed below.
  
- 11) PNZ agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Chris Keenan, authorised to sign  
on behalf Chris Claridge, Chief Executive, Potatoes NZ Incorporated

29 September 2020

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**Attachment 1 – Alternative relief proposed.**

Provision of interest	Reason for interest	Decision sought
Policy 1/Te Kaupapa Here 1: (d)	Redundant emphasis on commercial vegetable production	Modify by deleting the references to not including and including vegetable production.
Policy 2/Te Kaupapa Here 2: Intro	The policy does not make it clear that this consenting pathway could be utilised to authorise commercial vegetable production.	<i>“Provide for farming activities (that require a resource consent) <del>other than commercial vegetable production</del>, with a Farm Environment Plan prepared in accordance with Policy 4, as follows: ...”</i>
Policy 3/Te Kaupapa Here 3 Intro	Provides a consent pathway for vegetable production on highly productive land which robust productive soils are optimised for the best purpose, retaining food production capability on unique finite soils.	<i>“Provide for commercial vegetable production <u>on LUC I, LUC II and LUC III land using the Land Use Capability (LUC) Survey Handbook, including the flexibility to undertake crop rotations on multiple and/or changing properties as follows; ...”</u></i>
Policy 3/Te Kaupapa Here 3 Clause (d)	Provide clarity that the other pathways are open to authorise commercial vegetable growing based on an assessment of effects.	<i>“<u>Recognise the positive contribution to people and communities from commercial vegetable production consistent with Te Ture Whaimana o Te Awa o Waikato by:</u></i> <ol style="list-style-type: none"> <li data-bbox="970 1106 1474 1256">1. <u>Allowing commercial vegetable production that can be authorised under Rules 3.11.4.4, 3.11.4.5, 3.11.4.6, and 3.11.4.7.</u></li> <li data-bbox="970 1263 1474 1413">2. <u>Providing additional opportunity to undertake commercial vegetable production in accordance with Rule 3.11.4.8.</u></li> <li data-bbox="970 1420 1474 1794">3. <u>Where consent is authorised under Rule 3.11.4.8; specifying in Table 1 in Rule 3.11.4.8 the maximum area of highly productive land available in Table 1 of Rule 3.11.4.8 <del>and providing an opportunity to increase commercial vegetable growing up to those maxima through a consent process, subject to: ...”</del></u></li> </ol>
Policy 3/Te Kaupapa Here 3 Clause (d)(i)		<i>“The location being within land classified as LUC 1, 2 and <del>3</del> using the Land Use Capability (LUC) Survey Handbook. “</i>
Policy 3.11.3 (d) iii	Consent is required for all	Amend Clause 3.11.3 (d) iii <i>“The area</i>

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	CVP. The area limit related to Rule 3.11.4.8 should only apply to land consented under that Rule. The Policy should distinguish between CVP consented under Rule 3.11.4.8 and CVP consented under other methods.	<i>utilised for commercial vegetable growing is less than the sub-catchment area limit in Table 1 in Rule 3.11.4.8 accounting for any consents that have already been granted <u>under Rule 3.11.4.8; ...</u></i>
Rule 3.11.4.4 Controlled activity rule; moderate intensity farming	The rule disallows CVP that can discharge at moderate intensity from being consented under this rule.	Delete Condition 4.  <del><i>No commercial vegetable production occurs; and</i></del>
Rule 3.11.4.5 Controlled activity rule; existing CVP	Ensure that the cap for existing vegetable production excludes land consented under other rules. Ensure that the matters of control for the rule account for the total of land used for the activity within each sub-catchment; and allow for the total to be maintained through the surrender and granting of leases and/or purchases across the FMU.	Amend condition 4 as follows.  <i><del>“4. The total area of land within each sub-catchment</del> <u>freshwater management unit for which consent is sought for commercial vegetable production must not exceed the maximum areas as identified in condition 3 of this rule; and the total area of land within each sub-catchment is provided to the Waikato Regional Council on request for accounting purposes; and”</u></i>  Amend matter of control (iii) as follows:  <i><del>“iii. The maximum total and per sub-catchment</del> area of land to be used for commercial vegetable production.”</i>
Rule 3.11.4.8 Intro	Amend to clarify the differing pathways for consenting commercial vegetable production	<i>“The use of land for commercial vegetable production on land which is additional to that regulated by <u>Rule 3.11.4.4; 3.11.4.5, 3.11.4.6 and Rule 3.11.4.7</u>, including any associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens into water or onto or into land in circumstances which may result in those contaminants entering water, is a discretionary activity subject to the following conditions: ...”</i>
Rule 3.11.4.8 Condition 6		<i>“The land for which consent is sought must be entirely located on LUC <u>1, 2</u> and/or <del>3</del> land; and”</i>

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Rule 3.11.4.8 Discretionary activity rule; CVP expansion.	Align the rule to ensure it does not prevent the establishment of CVP under other methods.	<p>Amend the first paragraph of the rule to include the following words:</p> <p><i>“The use of land for commercial vegetable production on land which is additional to that regulated by <u>other rules (3.11.4.4, 3.11.4.5,.3.11.4.6 and 3.11.4.7) ...</u>”.</i></p> <p>Amend condition 7 as follows: <i>“7. The total area of land for which consent is sought must not, in combination with any extant resource consents <u>already granted under Rule 3.11.4.8</u>, exceed the maximum sub-catchment area limits specified in Table 1 below.”</i></p>