

Form 38  
Application for waiver or directions

*Section 281, Resource Management Act 1991*

To the Registrar  
Environment Court  
Wellington

I, Christopher Martin Keenan, apply for a waiver (*or* directions) in the following proceedings:

- **Appeal To The Environment Court By:**
  - **Wellington Fish and Game Council**
  - **Te Runanga o Raukawa**
  - **Ngati Turanga**

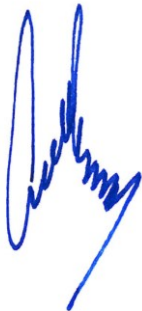
**In Respect Of Decisions On The Proposed Horizons One Plan Change 2.**

I am the following party to these proceedings:

**Potatoes NZ Incorporated; a submitter and further submitter on these provisions.**

I seek the following waiver:

Waiver of time period to join as a section 274 party to the appeals.



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

2/07/2021

Address for service of applicant:

**Postal**

PO Box 10232  
The Terrace  
Wellington  
6143

**Physical**

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20 Ballance Street  
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6011

**Telephone:**

P: 0800 399 674

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Fax/email: [accounts@potatoesnz.co.nz](mailto:accounts@potatoesnz.co.nz)

Contact person: **Nicola Loach - Office & Finance Administrator**

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

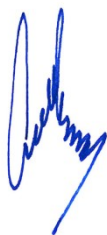
To the Registrar  
Environment Court  
Wellington

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

**Appeal To The Environment Court By Wellington Fish and Game Council In Respect Of Decisions On The Proposed Horizons One Plan Change 2:**

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;
2. PNZ is also a submitter and further submitter on many of the provisions appealed.
3. PNZ is not a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource Management Act 1991.
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:
  - i. All the provisions that relate to pathways for commercial vegetable production; insofar as the appeal affects the ability of potato growers to achieve consent either as individuals or a group throughout the region.
  - ii. PNZ in no way wishes to support practice that cannot be considered sustainable in terms of the freshwater Objectives within the Plan.
7. PNZ is generally interested in the effect of this appeal on the provisions for commercial vegetable production contained within the Horizons One Plan.
8. PNZ conditionally opposes the relief sought because—
  - a. The proposed relief does not give effect to the RMA 1991 and subsidiary policies and regulations.
  - b. PNZ prefers the relief provided in the decision on PC2.
9. PNZ would also support and be interested in relief that changes any of the policy or methods within PC2 that achieve equivalent outcomes to the decisions version or any submissions and further submissions supported by PNZ.

10. 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

Address for service of person wishing to be a party:

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

To the Registrar  
Environment Court  
Wellington

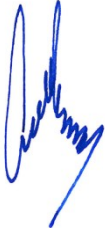
Potatoes NZ Incorporated wish to be a party to the following proceedings:

**Appeal To The Environment Court By Ngati Turanga In Respect Of Decisions On The Proposed Horizons One Plan Change 2:**

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;
2. PNZ is also a submitter and further submitter on many of the provisions appealed.
3. PNZ is not a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource Management Act 1991.
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:
  - i. All the provisions that relate to pathways for commercial vegetable production; insofar as the appeal affects the ability of potato growers to achieve consent either as individuals or a group throughout the region.
  - ii. PNZ in no way wishes to diminish iwi rights and interests or to support practice that cannot be considered sustainable in terms of the freshwater Objectives within the Plan.
7. PNZ is generally interested in the effect of this appeal on the provisions for commercial vegetable production contained within the Horizons One Plan.
8. PNZ conditionally opposes the relief sought because—
  - a. The proposed relief does not give effect to the RMA 1991 and subsidiary policies and regulations.
  - b. PNZ prefers the relief provided in the decision on PC2.

9. PNZ would also support and be interested in relief that changes any of the policy or methods within PC2 that achieve equivalent outcomes to the decisions version or any submissions and further submissions supported by PNZ.

10. 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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**Notice of person's wish to be party to proceedings**  
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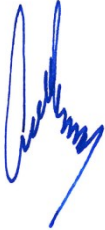
Potatoes NZ Incorporated wish to be a party to the following proceedings:

**Appeal To The Environment Court By Te Runanga o Raukawa In Respect Of Decisions On The Proposed Horizons One Plan Change 2:**

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;
2. PNZ is also a submitter and further submitter on many of the provisions appealed.
3. PNZ is not a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource Management Act 1991.
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:
  - i. All the provisions that relate to pathways for commercial vegetable production; insofar as the appeal affects the ability of potato growers to achieve consent either as individuals or a group throughout the region.
  - ii. PNZ in no way wishes to diminish iwi rights and interests or to support practice that cannot be considered sustainable in terms of the freshwater Objectives within the Plan.
7. PNZ is generally interested in the effect of this appeal on the provisions for commercial vegetable production contained within the Horizons One Plan.
8. PNZ conditionally opposes the relief sought because—
  - a. The proposed relief does not give effect to the RMA 1991 and subsidiary policies and regulations.
  - b. PNZ prefers the relief provided in the decision on PC2.

9. 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 relief proposed in the decision or in submissions and further submissions supported by PNZ.

10. 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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BEFORE THE ENVIRONMENT COURT AT WELLINGTON

**ENV-2021-WLG-20**  
**ENV-2021-WLG-21**  
**ENV-2021-WLG-23**

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER OF

3 appeals under clause 14(1) of the First  
Schedule of the Act

BETWEEN

TE RUNANGA o RAUKAWA  
NGĀTI TURANGA  
WELLINGTON FISH AND GAME COUNCIL

**Appellants**

AND

Horizons Regional Council  
**Respondent**

PROPOSED HORIZONS PLAN CHANGE 2: Intensive Farming Land uses  
**Memorandum advising withdrawal of Potatoes NZ Incorporated's section 274 notices.**

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[Chris.keenan@watermatters.co.nz](mailto:Chris.keenan@watermatters.co.nz)

TO: The Registrar  
Environment Court  
Wellington  
Via E-mail: [Jennifer.Gerritsen@justice.govt.nz](mailto:Jennifer.Gerritsen@justice.govt.nz)

1. On 29 September 2020 Potatoes NZ Incorporated (PNZ) filed section 274 notices in respect of the following appeals:
  - a. ENV-2020-AKL-000020 Te Runanga o Raukawa v Horizons Regional Council
  - b. ENV-2020-AKL-000021 Ngati Turanga v Horizons Regional Council
  - c. ENV-2020-AKL-000023 Wellington Fish and Game Council v Horizons Regional Council

2. PNZ has considered its position as to its interest in these appeals and decided to no longer pursue its interest in those appeals.
3. PNZ gives formal notice of its withdrawal in respect of those appeals listed above at paragraph 1.
4. PNZ has consulted with counsel for the Respondent, and counsel for the Appellants of those appeals listed at paragraph 1 regarding the withdrawal. We have received responses indicating no issues as to costs from the Respondent, Wellington Fish and Game Council and Te Runanga o Raukawa and Waikato & Waipa River Iwi. The other appellants have not responded at this time.

Dated this 3<sup>rd</sup> day of February 2023

A handwritten signature in blue ink, appearing to read 'Christopher Keenan', is positioned to the right of the date.

Christopher Keenan, on behalf of Chris Claridge Potatoes NZ Incorporated.