

IN THE ENVIRONMENT COURT
AUCKLAND

ENV-2020-AKL-000095

I MUA I TE KOOTI TAIAO
I TĀMAKI MAKĀURAU ROHE

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

AND

IN THE MATTER of section 274 of the RMA

BETWEEN

MERCURY NZ LIMITED

Appellant

AND

WAIKATO REGIONAL COUNCIL

Respondent

**NOTICE OF FONTERRA CO-OPERATIVE GROUP LIMITED'S
INTENTION TO BE A PARTY TO PROCEEDINGS**

28 SEPTEMBER 2020

**Russell
McLeagh**

Counsel instructed:
B J Matheson
Richmond Chambers
33 Shortland Street
PO Box 1008
Auckland 1140

Solicitors acting:
D J Minhinnick | P G Senior
P +64 9 367 8000
F +64 9 367 8163
PO Box 8
DX CX10085
Auckland

TO: The Registrar
Environment Court
Auckland

FONTERRA CO-OPERATIVE GROUP LTD ("Fonterra") wishes to be a party to an appeal by Mercury NZ Limited ("**Mercury**") against the decision of the Waikato Regional Council ("**Council**") on Proposed Plan Change 1 to the Waikato Regional Plan ("**PC 1**").

Nature of interest

1. Fonterra made a submission about the subject matter of these proceedings.
2. Fonterra is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

Extent of interest

3. Fonterra is interested in part of the proceedings. The parts of the appeal Fonterra is interested in are set out in **Schedule 1**.

Relief sought

4. Fonterra opposes the relief sought by the Appellant in the relevant parts of this appeal for the reasons outlined in Fonterra's appeal and because it:
 - (a) is inconsistent with the outcomes sought in Fonterra's appeal;¹
 - (b) will not promote the sustainable management of the natural and physical resources within the Waikato Region, and is therefore inconsistent with Part 2 and other provisions of the RMA;
 - (c) will not meet the reasonably foreseeable needs of future generations;
 - (d) will not enable the social, economic and cultural wellbeing of the people of the Waikato Region;
 - (e) does not avoid, remedy or mitigate actual or potential adverse effects on the environment; and
 - (f) is not the most appropriate way to achieve the objectives of the Waikato Regional Plan in terms of section 32 of the RMA.

Alternative dispute resolution

5. Fonterra agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Service

6. In accordance with the directions in Environment Court decision [2020] NZEnvC 063, this notice will be lodged with the Environment Court via email to WRC.PC1appeals@justice.govt.nz, and copies will be served on the

¹ ENV-2020-AKL-000084.

Appellant and on the Waikato Regional Council on
PC1Appeals@waikatoregion.govt.nz.

7. Service on other parties will be completed upon the Court uploading a copy of the notice onto the Environment Court's website.

FONTERRA CO-OPERATIVE GROUP LTD by its solicitors and authorised agents Russell McVeagh:



Signature:	D J Minhinnick P G Senior
Date:	28 September 2020
Address for Service:	C/- Daniel Minhinnick Russell McVeagh Barristers and Solicitors 48 Shortland Street Vero Centre PO Box 8/DX CX10085 AUCKLAND
Telephone:	+64 9 367 8000
Email:	daniel.minhinnick@russellmcveagh.com
Copy to counsel:	Bal Matheson Richmond Chambers PO Box 1008 Shortland Street AUCKLAND 1140
Telephone:	(09) 600 5510
Email:	matheson@richmondchambers.co.nz
TO:	The Registrar, Environment Court
AND TO:	Waikato Regional Council

Advice

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

Schedule 1

Relevant Mercury appeal points	Fonterra's interest
Policy 11 – seek deletion of "subject to policies 12 and 13" to avoid a policy hierarchy that undermines support for existing regionally significant infrastructure.	Fonterra opposes as the relief sought is inconsistent with the outcomes sought in Fonterra's appeal.
Seek to exclude damming and diversion for hydroelectric activities from Policy 12.	Fonterra opposes as the relief sought is inconsistent with the outcomes sought in Fonterra's appeal.