

**IN THE ENVIRONMENT COURT
AUCKLAND**

ENV-2020-AKL-000101

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

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

AND

IN THE MATTER of section 274 of the RMA

BETWEEN **AUCKLAND WAIKATO AND EASTERN FISH AND
GAME COUNCIL**

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**

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TO: The Registrar
Environment Court
Auckland

FONTERRA CO-OPERATIVE GROUP LTD ("Fonterra") wishes to be a party to an appeal by Auckland Waikato and Eastern Fish and Game Council ("**Fish and Game**") 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

¹ ENV-2020-AKL-000084.

to WRC.PC1appeals@justice.govt.nz, and copies will be served on the 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

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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 Fish and Game appeal points | Fonterra's interest |
|---|--|
| Reinstating values (particularly intrinsic values) and cross-references in various objectives. | Fonterra opposes as the relief sought is inconsistent with the outcomes sought in Fonterra's appeal. |
| Expansion of PC1 to focus on all contaminants, not just nitrogen, phosphorous, sediment and microbial pathogens. | Fonterra opposes as the relief sought is inconsistent with the outcomes sought in Fonterra's appeal. |
| <p>Changes to require that Table 3.11-1 long-term attribute states be achieved by 2096 and that becomes a freshwater objective under the NPS-FM through Objective 1. This will have the effect of locking in the 80-year targets as freshwater objectives.</p> <p>Amendments to Policy 1 to require farming activity to meet short and long-term attributes stated in Table 3.11-1.</p> | Fonterra opposes as the relief sought is inconsistent with the outcomes sought in Fonterra's appeal. |
| <p>In assessing the effects of an activity, the effects must be benchmarked against the environment as if the activity did not exist at all (ie the currently occurring discharge is not part of the existing environment).</p> <p>The cumulative effects of all other existing activities in the sub-catchment and catchment must also be considered. Therefore consent applications must provide a full analysis of sub-catchment and catchment loads.</p> <p>The resulting changes requested are to Policies 2 and 5 to provide that offsetting and compensation applies to all discharges (not just all increases in discharges from current levels) and to Rule 3.11.4.9 to clarify that existing discharges do not provide a permitted baseline and that cumulative effects should be assessed in consent applications.</p> | Fonterra opposes as the relief sought is inconsistent with the outcomes sought in Fonterra's appeal. |
| <p>Amendments to provide clear limits for farming activities that will enable the freshwater objectives to be met.</p> <p>Amendments to Table 1 based on nitrogen levels in each catchment and the amount and rate of change required to meet instream nitrogen goals.</p> <p>Changes to Schedule D to set limits, the identification and removal of redundant drains, and more clarity on when a 'material increase' will trigger a review of a farm environment plan.</p> | Fonterra opposes as the relief sought is inconsistent with the outcomes sought in Fonterra's appeal. |
| Amend Tables 3.11-1(b) and (c) to provide for attribute states that are consistent with providing for ecosystem health and that reflect the habitat requirements of trout and include periphyton attribute states as required by the NPSFM. | Fonterra opposes as the relief sought is inconsistent with the outcomes sought in Fonterra's appeal. |