

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2020-AKL-000084

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU ROHE**

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

AND

IN THE MATTER of an appeal under clause 14 of Schedule 1 of the Act
against the decision of the Waikato Regional Council on
Proposed Plan Change 1 to the Waikato Regional Plan

BETWEEN **FONTERRA CO-OPERATIVE GROUP LTD**

Appellant

AND **WAIKATO REGIONAL COUNCIL**

Respondent

**NOTICE BY SOUTH WAIKATO DISTRICT COUNCIL TO BECOME A PARTY TO
PROCEEDINGS UNDER SECTION 274 OF THE ACT**

Dated 28th September 2020

TOMPKINS | WAKE

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TO: The Registrar
Environment Court
Auckland

1. **SOUTH WAIKATO DISTRICT COUNCIL** (“SWDC”) gives notice under s 274 of the Resource Management Act 1991 (“the Act”) that it wishes to be a party to these proceedings, being *Fonterra Co-operative Group Ltd v Waikato Regional Council* ENV-2020-AKL-000084 (“the Appeal”).
2. The Appeal challenges the decision by the Respondent on Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments to the Waikato Regional Plan as amended by Variation 1 (“PC1”).
3. SWDC is a local authority and a person who made a submission about the subject matter of the proceedings (Objective 3).
4. SWDC is not a trade competitor for the purposes of sections 308C or 308CA of the Act.
5. SWDC is interested in parts of the Appeal, specifically:
 - (a) Objective 2 and Table 3.11-1; and
 - (b) Policy 3.
6. SWDC’s position on the Appeal and the reasons for that position are set out in respect of each part of the Appeal below.

Objective 2 and Table 3.11-1

7. The Appeal on Objective 2 and Table 3.11-1 does not specifically oppose the targets and the proportion of the improvement which is required pursuant to Objective 2 and Table 3.11-1. However, the Appeal notes that, without consequential amendments to PC1, the 20% improvement is likely to be unachievable, including the requirement to achieve that level of improvement in the Awa itself within the 10 year life of PC1.

8. SWDC supports in part the relief sought by the Appellant for the following reasons:
- (a) It is unclear if the policy mix reflected in the Decisions on PC1 will achieve the proposed 20% improvement.
 - (b) No cost-benefit analysis has been undertaken to determine the social and economic costs of moving the target from 10% to 20% in the first ten years.
 - (c) The impacts of the implementation of PC1 on the communities on the South Waikato are already predicted to be extreme.
 - (d) Not all actions to achieve the 20% improvement will be in place in the first ten years.
 - (e) The full benefit of the actions to achieve either 10% or 20% will not be realised within the first ten years.

Policy 3

9. The Appeal seeks to amend Policy 3 to:
- (a) Mirror Policy 2(c) whereby changes in use that result in 'material increases' in diffuse discharges should 'generally' not be granted;
 - (b) Remove the specific recognition of the benefits of Commercial Vegetable Production, or include a similar recognition for other farming activities in Policy 2; and
 - (c) Include a requirement for applicants to demonstrate when new land is brought into vegetable production, that discharges of diffuse contaminants should be no greater than the activity it replaces and, if not, to require offsetting.
10. SWDC supports in part the relief sought by the Appellant for the following reasons:

- (a) All activities should be managed on an “effects based” and equitable approach;
 - (b) It is not appropriate to single out one land use for its benefits and not others, which may have similar or greater benefits; and
 - (c) The requirement for Commercial Vegetable Production to implement offset approaches to transfers of such activities between locations will provide for an equitable and effects based assessment which is consistent across all sectors and therefore contributes in a fair way towards achieving both the short and long term goals of PC1.
11. SWDC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 28th day of September 2020



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In accordance with the Environment Court Decision No. [2020] NZEnvC 063 this notice is lodged with the Environment Court at WRC.PC1appeals@justice.govt.nz and served on:

The Council at: PC1Appeals@waikatoregion.govt.nz

The Appellant at: daniel.minhinnick@russellmcveagh.com

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Advice

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