

**IN THE ENVIRONMENT COURT
AUCKLAND**

ENV-2020-AKL-000086

**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

TAUPO DISTRICT 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**

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 Taupo District Council 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. For those points in Schedule 1 that Fonterra supports, this is for the reasons outlined in Fonterra's appeal and because it:
 - (a) is consistent with the outcomes sought in Fonterra's appeal;¹
 - (b) will 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 meet the reasonably foreseeable needs of future generations;
 - (d) will enable the social, economic and cultural wellbeing of the people of the Waikato Region;
 - (e) does avoid, remedy or mitigate actual or potential adverse effects on the environment; and
 - (f) is the most appropriate way to achieve the objectives of the Waikato Regional Plan in terms of section 32 of the RMA.
5. For those points in Schedule 1 that Fonterra opposes, this is for the reasons outlined in Fonterra's appeal and because it:
 - (a) is inconsistent with the outcomes sought in Fonterra's appeal;²
 - (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;

¹ ENV-2020-AKL-000084.

² ENV-2020-AKL-000084.

- (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

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

Service

- 7. 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 Appellant and on the Waikato Regional Council on PC1Appeals@waikatoregion.govt.nz.
- 8. 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 Taupo District Council appeal points | Fonterra's interest |
|---|--|
| Policies 12 and 13 do not adequately provide for the application of a reasonable mixing zone in relation to discharges to water as provided for under Policy 3.2.3.8 of the Waikato Regional Plan. | Fonterra supports the relief sought. |
| Seek amendments to Policy 12 to recognise that offsetting or compensation measures may extend over the duration of the consent | Fonterra supports the relief sought. |
| Seek amendment to Policy 13 to recognise the Council's obligations under the National Policy Statement on Urban Development Capacity. | Fonterra opposes as the relief sought is inconsistent with the outcomes sought in Fonterra's appeal. |
| Seek amendments to Policy 14 to reflect the significance of regionally significant infrastructure and the community expectations regarding its longevity when determining the appropriate duration of consent for a point source discharge. Policy 14 sets out criteria for determining an appropriate duration of consent for a point source discharge, and is presently worded neutrally. | Fonterra opposes as the relief sought is inconsistent with the outcomes sought in Fonterra's appeal. |