

**IN THE ENVIRONMENT COURT
AUCKLAND**

ENV-2020-AKL-000087

**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 **HORTICULTURE NEW ZEALAND**

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
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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 Horticulture New Zealand 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

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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 Horticulture New Zealand appeal points	Fonterra's interest
Seeks that some rules are changed from land use rules to discharge rules.	Fonterra opposes as the relief sought is inconsistent with the outcomes sought in Fonterra's appeal.
Seeks that commercial vegetable production be able to expand its footprint under Rule 3.11.4.8 as a discretionary activity if it meets the low or moderate leaching rates (the footprint of commercial vegetable production is limited under the rule in its existing form).	Fonterra opposes as the relief sought is inconsistent with the outcomes sought in Fonterra's appeal.