

**IN THE ENVIRONMENT COURT
AUCKLAND**

ENV-2020-AKL-000094

**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 **ROYAL FOREST AND BIRD PROTECTION
SOCIETY OF NEW ZEALAND INCORPORATED**

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:
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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 the Royal Forest and Bird Protection Society of New Zealand Incorporated ("**RFBPS**") 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 RFBPS appeal points	Fonterra's interest
Removing the ability to offset and compensate (policies 3(d)(iv), 5, 12(b) and 13) on the basis that "offsetting is not appropriate in the water quality context".	Fonterra opposes as the relief sought is inconsistent with the outcomes sought in Fonterra's appeal.
Seek clarity that Policies 12 and 13 apply only to point source discharges for regionally significant infrastructure and industry.	Fonterra supports the need for clarity on the application of these policies, it is interested in this appeal point to ensure it remains consistent with the outcomes sought in Fonterra's appeal.
Clarifying that Policy 19 does not relate to biodiversity offsets or environmental compensation, because offsetting / compensation is inappropriate.	Fonterra supports the need for clarity on the application of this policy, it is interested in this appeal point to ensure it remains consistent with the outcomes sought in Fonterra's appeal.
Strengthening protection of wetlands generally – from protecting only significant wetlands to protecting all wetlands.	Fonterra supports the need for appropriate wetland protection, but opposes the changes sought by RFBPS as far as they apply to wetlands that have been or are constructed and used for the purposes of wastewater and stormwater treatment.