

**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

AND

DAIRY NZ LIMITED

s274 party

**NOTICE OF DAIRY NZ LIMITED'S
INTENTION TO BE A PARTY TO PROCEEDINGS**

29 SEPTEMBER 2020

Counsel acting:
P Lang
Riverbank Chambers
5th floor, 286 Victoria Street
PO Box 19549
Hamilton
021 870 660
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TO: The Registrar
Environment Court
Auckland

DAIRY NZ LIMITED ("**Dairy NZ**") 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. Dairy NZ made a submission about the subject matter of these proceedings.
2. Dairy NZ is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

Extent of interest

3. Dairy NZ is interested in part of the proceedings. The parts of the appeal Dairy NZ is interested in are set out in **Schedule 1**.

Relief sought

4. Dairy NZ opposes the relief sought by the Appellant in the relevant parts of this appeal for the reasons outlined in Dairy NZ's appeal and because it:
 - (a) is inconsistent with the outcomes sought in Dairy NZ'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. Dairy NZ agrees to participate in mediation or other alternative dispute resolution of the proceedings.

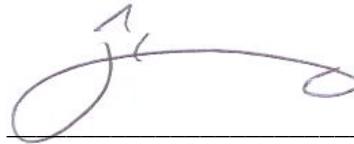
¹

ENV-2020-AKL-000084.

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 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.

DAIRY NZ LIMITED by its counsel Philip Lang:



Signature:

P Lang

Date:

29 September 2020

Address for Service:

P Lang
Riverbank Chambers
5th floor, 286 Victoria Street
PO Box 19549
HAMILTON

Telephone:

021 870 660

Email:

p.lang@xtra.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 Fish and Game appeal points	Dairy NZ's interest
Reinstating values (particularly intrinsic values) and cross-references in various objectives.	Dairy NZ opposes as the relief sought is inconsistent with the outcomes sought in Dairy NZ's appeal.
<p>Expansion of PC1 to focus on all contaminants, adding attribute states for all aspects of ecosystem health, not just nitrogen, phosphorous, sediment and microbial pathogens, and changes to make existing attributes more stringent.</p> <p>Amending 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.</p>	Dairy NZ opposes as the relief sought is inconsistent with the outcomes sought in Dairy NZ'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>	Dairy NZ opposes as the relief sought is inconsistent with the outcomes sought in Dairy NZ'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 (i.e. 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>	Dairy NZ opposes as the relief sought is inconsistent with the outcomes sought in Dairy NZ's appeal.
<p>Amendments to provide clear limits for farming activities that will enable the freshwater objectives to be met, including amendments to increase stock exclusion setback distances and require all farms applying for resource consent being required to meet all the minimum farming standards in Schedule C.</p> <p>Amendments to Schedule B 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>	Dairy NZ opposes as the relief sought is inconsistent with the outcomes sought in Dairy NZ's appeal.

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