

**IN THE ENVIRONMENT COURT
AUCKLAND**

ENV-2020-AKL-000087

**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

HORTICULTURE NEW ZEALAND

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
p.lang@xtra.co.nz

TO: The Registrar
Environment Court
Auckland

DAIRY NZ CO-OPERATIVE GROUP LTD ("Dairy NZ") 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. 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

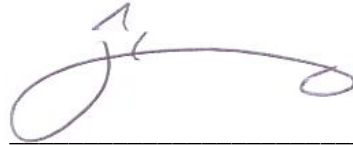
5. Dairy NZ agrees to participate in mediation or other alternative dispute resolution of the proceedings.

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 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: 021 660 870

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 Horticulture New Zealand appeal points	Dairy NZ's interest
Seeks that some rules are changed from land use rules to discharge rules.	Dairy NZ opposes as the relief sought is inconsistent with the outcomes sought in Dairy NZ'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).	Dairy NZ opposes as the relief sought is inconsistent with the outcomes sought in Dairy NZ's appeal.