

**IN THE ENVIRONMENT COURT  
AUCKLAND**

**ENV-2020-AKL-000096**

**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**

**DIRECTOR-GENERAL OF CONSERVATION**

**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  
5<sup>th</sup> floor, 286 Victoria Street  
PO Box 19549  
Hamilton  
021 870 660  
p.lang@xtra.co.nz

**TO:** The Registrar  
Environment Court  
Auckland

**DAIRY NZ LIMITED ("Dairy NZ")** wishes to be a party to an appeal by the Director-General of Conservation ("**DOC**") 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;<sup>1</sup>
  - (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.

---

<sup>1</sup>

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](mailto:WRC.PC1appeals@justice.govt.nz), and copies will be served on the Appellant and on the Waikato Regional Council on [PC1Appeals@waikatoregion.govt.nz](mailto: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:**

**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 DOC appeal points	Dairy NZ's interest
<p>Seeking greater integration of the management approach across different aspects of the environment and a focus on ecosystem health, which better provides for ecological health, ecosystem processes, indigenous species, habitats and biological diversity.</p> <p>Proposing a new objective for 'mountains to sea' management and changes to Objective 1 and 2.</p>	<p>Dairy NZ opposes as the relief sought is inconsistent with the outcomes sought in Dairy NZ's appeal.</p>
<p>The extension of the plan change to change attribute states, add narrative attributes and to apply more widely than just the four original contaminants sought to be managed by PC1 (nitrogen, phosphorous, sediment and microbial pathogens)</p> <p>Changes to Policy 17 and Tables 3.11-1 (to broaden contaminants, and include more demanding attributes levels), 3.11-2 (delete), 3.11-3 (change priority of sub-catchments). Addition of a new method to describe how short term water quality will be set when little or no information exists.</p>	<p>Dairy NZ opposes as the relief sought is inconsistent with the outcomes sought in Dairy NZ's appeal.</p> <p>While DairyNZ supports the need to monitor and report changes to water quality across the entire catchment, it opposes the changes sought by DOC to the extent those are inconsistent with the outcomes sought in Dairy NZ's appeal.</p>
<p><b>In Policy 1, removal of the concept of focusing priority action on farming practices for one or more of the four contaminants of particular concern in a sub catchment</b></p>	<p>Dairy NZ opposes as the relief sought is inconsistent with the outcomes sought in Dairy NZ's appeal.</p>
<p>Deletion of sub-clause 3B to Rule 3.11.4.3 so that low intensity farming is no longer a permitted activity if it has a feedlot or sacrifice paddock or if more than 5% of land is used for cropping.</p>	<p>Dairy NZ opposes as the relief sought is inconsistent with the outcomes sought in Dairy NZ's appeal.</p>
<p>In Schedule B, changes to how the nitrogen leaching loss rate is calculated and applied.</p>	<p>Dairy NZ opposes as the relief sought is inconsistent with the outcomes sought in Dairy NZ's appeal</p>
<p>Changes to Schedule D1 and D2 Farm Environment Plan requirements including the change to purpose statement to achieve the short-term attribute states in Table 3.11-1.</p>	<p>Dairy NZ opposes as the relief sought is inconsistent with the outcomes sought in Dairy NZ's appeal.</p>
<p>Changes to requirements around increasing stock exclusion setbacks including changes to Schedule C.</p>	<p>While Dairy NZ supports the need for workable fencing requirements, it opposes the changes sought by DOC to the extent those are inconsistent with the outcomes sought in Dairy NZ's appeal.</p>

Seek clarity on what constitutes a "high water quality" and "high level of contaminant reduction" in Policy 13.

Dairy NZ supports the need for clarity on the meaning of these terms but opposes the changes sought by DOC to the extent those are inconsistent with the outcomes sought in Dairy NZ's appeal.