

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKAUROA ROHE**

ENV-2020-AKL-000101

IN THE MATTER of Plan Change 1 to the Waikato Regional Plan pursuant
to s 274 Resource Management Act 1991 (RMA)

BETWEEN **AUCKLAND/WAIKATO AND EASTERN FISH AND
GAME COUNCILS**

Appellant

AND **WAIKATO REGIONAL COUNCIL**

Respondent

**NOTICE OF LOCHIEL FARMLANDS LIMITED WISH TO BE PARTY TO
PROCEEDINGS
28 JULY 2020**

Harkness Henry
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Counsel Acting:
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NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

To The Registrar
Environment Court
PO Box 7147
Wellesley Street
Auckland

Name of Person who wishes to be Party

- 1 LOCHIEL FARMLANDS LIMITED (**LFL**) wishes to be a party to the following proceedings: Clause 14(1) of First Schedule, RMA 1991, AUCKLAND/WAIKATO AND EASTERN FISH AND GAME COUNCILS (**Fish & Game**) appeal against part of the decision of Waikato Regional Council on Proposed Plan Change 1 – Waikato and Waipa River Catchments to the Waikato Regional Plan as amended by Variation 1 (**PC1**).
- 2 LFL has made a submission about the subject matter of the proceedings.

Trade competition

- 3 LFL is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

The Proceedings

- 4 LFL is interested in all of the appeal and in particular amendments sought by Fish & Game in:
 - (a) Rule 3.11.4.4 – controlled activity rule – moderate intensity farming;
and
 - (b) Schedule C – minimum farming standards.

Particular Issues

- 5 The relief sought in the Table appended to the Notice of Appeal seeking amendments to:

- (a) Rule 3.11.4.4 to require all farms applying for consent under this rule to comply with all of the minimum farming standards in Schedule C, including the stock access requirements;
- (b) Schedule C to require fences to exclude stock to be set back at least 5 metres from the edge of the bed of the waterbody other than wetlands and lakes (rather than 1m to 3m as set out in the decision); and
- (c) Schedule C to require fences to exclude stock to be setback at least 10 metres from the edge of all wetlands and 20 metres from the edge of the bed of all lakes.

Relief sought

- 6 LFL **opposes** the relief sought relating to rule 3.11.4.4 on the basis that PC1 already sets out a restrictive regulatory approach regarding farming and lacks a constructive analysis of farming practicalities. The change requested is unnecessary and will be disproportionate.
- 7 LFL **opposes** the relief sought relating to setback provisions for stock exclusion. The amendments sought are disproportionately restrictive and likely to be impracticable for many dry stock farmers to comply with particularly in relation to intermittent waterways.
- 8 Such other consequential or alternative relief by way of amendments to the provisions of PC1 that address the grounds pleaded in the appeal.

Dispute resolution

- 9 LFL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED: 28 July 2020



Dr J B Forret and P Kaur
Counsel for LOCHIEL FARMLANDS LIMITED

Address for service of Person wishing to be a Party

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Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after–

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991. The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.