

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

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

**ENV-2020-AKL-000084**

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

**BETWEEN** **FONTERRA COOPERATIVE GROUP LIMITED**

**Appellant**

**AND** **WAIKATO REGIONAL COUNCIL**

**Respondent**

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

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**Harkness Henry**  
SPECIALIST LAWYERS

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**Section 274 Party Solicitor:**  
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**Counsel Acting:**  
P Kaur  
(pervinder.kaur@harkness.co.nz)

**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, FONTERRA COOPERATIVE GROUP LIMITED (**Fonterra**) 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 Fonterra in:
  - (a) Rule 3.11.4.3;
  - (b) Rule 3.11.4.4;
  - (c) Schedule D1; and
  - (d) Schedule D2.

**Particular Issues**

- 5 The relief sought at Schedule 1:
  - (a) Rule 3.11.4.3 to remove the distinction between dry stock and dairying;

- (b) Rule 3.11.4.4 so that any farming activity (whether drystock or dairy) that can meet specific criteria is a controlled activity;
- (c) Schedule D1, in particular amendments to the effect that all Farm Environment Plans must be certified by a certified Farm Environment Planner; and
- (d) Schedule D2 to replace the goals and principles of Schedule D2 with the well-known Industry Agreed Good Farming Practices (GFP), complemented as necessary with additional detail from the associated GFP guidelines and other specific matters as may be relevant to the Waikato context.

### **Relief sought**

- 6 LFL **supports** the relief sought in relation to rules 3.11.4.3 and 3.11.4.4 PC1 sets out a restrictive regulatory approach regarding farming and lacks a constructive analysis of farming practicalities. Therefore, it is important that unnecessary and ambiguous requirements are removed.
- 7 LFL supports amendments sought to Schedule D2.
- 8 LFL **opposes** the relief sought in Schedule D1, in particular amendments to the effect that all Farm Environment Plans must be certified by a certified Farm Environment Planner. LFL believes that having to engage professionals, with no knowledge about the history of the farm to develop a Farm Environment Plan, is an unnecessary cost to farmers. The Planner will simply collate the information given by the landowner. There is a potential risk of information being misinterpreted or misrepresented and actions being recommended that do not take into account the particular characteristics of the farm. This may be detrimental to the environment in the medium to long term.
- 9 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**

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

**DATED:** 28 July 2020

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Dr J B Forret and P Kaur

Counsel for LOCHIEL FARMLANDS LIMITED

**Address for service of Person wishing to be a Party**

**Company/Organisation:** Harkness Henry Lawyers

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**Contact person:**

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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.