

**BEFORE THE ENVIRONMENT COURT  
AUCKLAND REGISTRY**

**ENV-2020-AKL-000087**

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

**IN THE MATTER** of the Resource Management Act 1991 (the Act)

**AND**

**IN THE MATTER** of an appeal under clause 14 of Schedule 1 of the Act  
against the decision of the Waikato Regional Council on  
Proposed Plan Change 1 to the Waikato Regional Plan

**BETWEEN** **HORTICULTURE NEW ZEALAND**

**Appellant**

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

**Respondent**

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**NOTICE BY SOUTH WAIKATO DISTRICT COUNCIL TO BECOME A PARTY TO  
PROCEEDINGS UNDER SECTION 274 OF THE ACT**

**Dated 28<sup>th</sup> September 2020**

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**TOMPKINS | WAKE**

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**TO:** The Registrar  
Environment Court  
Auckland

1. **SOUTH WAIKATO DISTRICT COUNCIL** (“SWDC”) gives notice under s 274 of the Resource Management Act 1991 (“the Act”) that it wishes to be a party to these proceedings, being *Horticulture New Zealand v Waikato Regional Council* ENV-2020-AKL-000087 (“the Appeal”).
2. The Appeal challenges the decision by the Respondent on Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments to the Waikato Regional Plan as amended by Variation 1 (“PC1”).
3. SWDC is a local authority a person who and made a submission about the subject matter of the proceedings (provisions relating to land use flexibility).
4. SWDC is not a trade competitor for the purposes of sections 308C or 308CA of the Act.
5. SWDC is interested in part of the Appeal, specifically:
  - (a) Rule 3.11.4.8; and
  - (b) Rule 3.11.4.9.
6. SWDC’s position on the Appeal and the reasons for that position are set out in respect of each part of the Appeal below. For brevity, the description of the relief sought in the Appeal is paraphrased in this notice.  
  
**Rule 3.11.4.8**
7. The Appeal on Rule 3.11.4.8 seeks amendments to better reflect the reality that there will be an increased in demand over time for fresh vegetables and, consequently, an increase in diffuse discharges of Nitrogen to meet that demand.

8. SWDC opposes in part the relief sought by the Appellant for the following reasons:
  - (a) The relief will result in inequitable implementation of the provisions of PC1 as between commercial vegetable production and other farming activities; and
  - (b) The flexibility sought in the Appeal should be provided for other farming activities, in a way which will achieve the objectives of PC1.

**Rule 3.11.4.9**

9. The Appeal against Rule 3.11.4.9 seeks its amendment so that it applies to all activities not otherwise captured by other rules in PC1.
10. SWDC opposes the relief sought by the Appellant for the following reasons:
  - (a) The amendments sought will further limit land use flexibility, which is inappropriate, particularly when the decisions version of PC1 will unduly restrict such flexibility;
  - (b) The relief will result in inequitable implementation of the provisions of PC1 as between commercial vegetable production and other farming activities; and
  - (c) The submissions of SWDC supports the improvement of landuse flexibility in PC1.
11. SWDC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** this 28<sup>th</sup> day of September 2020



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M Mackintosh / K Dibley

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In accordance with the Environment Court Decision No. [2020] NZEnvC 063 this notice is lodged with the Environment Court at [WRC.PC1appeals@justice.govt.nz](mailto:WRC.PC1appeals@justice.govt.nz) and served on:

The Council at: [PC1Appeals@waikatoregion.govt.nz](mailto:PC1Appeals@waikatoregion.govt.nz)

The Appellant at: [helen.atkins@ahmlaw.nz](mailto:helen.atkins@ahmlaw.nz)

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***Advice***

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