

BEFORE THE ENVIRONMENT COURT

ENV-2020-AKL

AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA TĀMAKI MAKĀURAU ROHE

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under cl 14(1) of Schedule 1 to the Act in relation to
Waikato Regional Plan Change 1.

Between THE APPELLANTS LISTED IN PARAGRAPH 1

Appellant

AND WAIKATO REGIONAL COUNCIL

Respondent

SECTION 274 NOTICE OF GRAEME B GLEESON

29 September 2020

To: The Registrar
Environment Court
Auckland

1. I, Graeme Gleeson, wish to be a party to the following appeals in respect of the Waikato Regional Council's decision on Waikato Regional Council's Plan Change 1 (PC1). The position I have on these appeals is as below.
 - a. ENV-2020-AKL-000083 OJI Fibre Solutions (NZ) Limited – oppose in part, support in part.
 - b. ENV-2020-AKL-000084 Fonterra Limited – oppose in part, or otherwise neutral.
 - c. ENV-2020-AKL-000085 Waipa District Council - oppose in part.
 - d. ENV-2020-AKL-000086 Taupo District Council – oppose in part.
 - e. ENV-2020-AKL-000087 Horticulture New Zealand – support in part
 - f. ENV-2020-AKL-000090 Waikato River Authority – support in part.
 - g. ENV-2020-AKL-000091 Hamilton City Council – oppose in part.
 - h. ENV-2020-AKL-000092 South Waikato District Council – support in part
 - i. ENV-2020-AKL-000094 Royal Forest and Bird Protection Society of New Zealand Incorporated - oppose
 - j. ENV-2020-AKL-000095 Mercury NZ Limited – support in part, oppose in part.
 - k. ENV-2020-AKL-000096 Director-General of Conservation – oppose.
 - l. ENV-2020-AKL-000097 DairyNZ Limited - oppose
 - m. ENV-2020-AKL-000098 Wairakei Pastoral Limited – support in part, oppose in part.
 - n. ENV-2020-AKL-000099 Beef & Lamb New Zealand Limited - support
 - o. ENV-2020-AKL-000100 Waikato and Waipa River Iwi – support in part and oppose in part.
 - p. ENV-2020-AKL-000101 Auckland Waikato and Eastern Fish and Game Council - oppose
 - q. ENV-2020-AKL-000102 Federated Farmers of New Zealand Incorporated – support in part.
 - r. ENV-2020-AKL-000149 Lochiel Farmlands Limited – support
2. I made a submission about the subject matter of the proceedings.
3. I am not a trade competitor for the purposes of Section 308C or 308D of the Resource Management Act 1991.

4. I am interested in all the proceedings.
5. I am particularly interested in the following issues:
 - a. Any relief sought that seeks to replace alter or remove the provision of an appropriate permitted activity pathway and flexibility for mixed livestock (sheep, beef-cattle and deer, but not limited to) low intensity farming, included as provided for in farm environment plans.
 - b. The 'grandparenting' of nitrogen allocation and failure to be consistent with the Hearing Panel's Recommendation Report (Report) which recognized this method was inequitable.
 - c. Timeframe for achieving water quality improvements in river.
 - d. Offsetting using an unders – overs methodology
 - e. Future plan change management regimes
 - f. And any matters relating to:
 - i. Policy / te kaupapa here 1;
 - ii. Policy / te kaupapa here 4;
 - iii. Policy / te kaupapa here 5;
 - iv. Policy / te kaupapa here 10;
 - v. Policy / te kaupapa here 16, rule 3.11.4.6 – farming in Whangamarino wetland catchment;
 - vi. Schedule C minimum farming standards:
 - 1.b – livestock exclusion if greater than 18 stock units in paddock adjoining water body on slope greater than 15-degrees;
 - 5.a – exclusion of stock from intermittently flowing water bodies;
 - 6 – application rate for nitrogenous fertiliser;
 - 8 and 9 – winter grazing of forage crops on LUC class 6e, 7 or 8 land, liveweight and age limits.
 - vii. Schedule D1 requirements for Farm Environment Plans for farming as a permitted activity:

- Part D standard 1.d – N fertiliser application rate standard;
- Part D standard 4 – application rate for nitrogenous fertiliser;
- Part D standard 5.a and 5.c – winter grazing of forage crops on LUC class 6e, 7 or 8 land, liveweight and age limits and ungrazed vegetated setback.

6. I am interested in relief sought pertaining to these issues because:

- The Hearing Commissioner’s decision recognised the unfairness and inequity steeped within the notified PC1 primarily because of the “grandparenting” imposition created by the Nitrogen Reference Point. From the many submitters who presented at the hearings there was an acute need to present a better framework for managing nitrogen as an externalised contaminant loss discharge. The amended decision PC1 has emplaced a hierarchy of risk associated with nitrogen loss referring to the nitrogen leaching rate table in Schedule B. The risk is appropriately managed using proxy which has enabled permitted activity status to be conferred upon low intensity farming activities with associated low risk for nitrogen leaching. Greater emphasis is also placed upon subcatchment management and generally requiring the use of Farm Environment Plans to manage diffuse discharges and to improve farming practices. These are key findings which must be carried forward.
- I concur and strongly support Te Ture Whaimana o Te Awa o Waikato and the need to restore and protect the mauri of the awa and the relief sought will impact on the Plans ability to achieve this.
- The decision of PC1 will determine whether the use and development of natural and physical resources is sustainable and promotes the purpose and principles of the Resource Management Act.
- The decision of PC1 will impact on those who rely on natural and physical resources to provide for their health and wellbeing.
- I support the decision of the Council except to the extent that decision is sought to be amended by the appeals I have indicated support for above.

7. I agree to participate in mediation or alternative dispute resolution of the proceedings.

Graeme B Gleeson

29 September 2020

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