

**IN THE ENVIRONMENT COURT
AUCKLAND**

ENV-2020-AKL-43

**I MUA I TE KOOTI TAIAO
I TE TĀMAKI MAKAURAU ROHE**

IN THE MATTER

of the Resource Management Act 1991 ("RMA")

AND

IN THE MATTER

of Clause 14(1) of Schedule 1 of the RMA

BETWEEN

FONTERRA LIMITED

Appellant

AND

HAMILTON CITY COUNCIL

Respondent

NOTICE OF CONTACT ENERGY LIMITED'S WISH TO BECOME A PARTY TO PROCEEDINGS

15 May 2020

TO:

The Registrar
Environment Court
AUCKLAND

1. Contact Energy Limited ("Contact") gives notice under section 274 of the Resource Management Act 1991 ("RMA") that it wishes to be a party to the appeal by Fonterra Limited ("Appellant") against the Hamilton City Council's decision on Proposed Plan Change 2 to the Hamilton City District Plan - Te Awa Lakes Private Plan Change, 29 April 2020.
2. Contact is a person who has an interest in the proceedings that is greater than the public generally. Contact manages and operates the natural gas-fired cogeneration plant located on Fonterra's dairy manufacturing plant at Te Rapa Road. The Te Rapa co-generation facility is essentially a large thermal power station providing for the process steam and electricity needs of the Fonterra factory as well as a significant surplus of electricity (approximately 30 MW) to the national grid. Current lawfully consented effects from the cogeneration plant include noise, air emissions, light, and industrially-appropriate visual and amenity standards.
3. Contact made a submission on the Proposed Plan Change 2 dated 29 November 2017 and presented evidence to the Hearings Committee seeking relief consistent with the Appellant's notice of appeal.
4. Contact is not a trade competitor for the purposes of section 308C of the RMA.
5. Contact is interested in all parts of Fonterra's appeal.
6. Contact supports the relief sought by the Appellant for the following reasons:
 - a. It would better achieve the purpose of the RMA and the objectives of the Hamilton City District Plan and Waikato Regional Policy Statement, while maintaining the integrity of the Te Rapa North Industrial Zone and the identification of the area as a "Strategic Industrial Node";
 - b. it more clearly gives effect to the Waikato Regional Policy Statement than Proposed Plan Change 2 (PPC2);
 - c. It would better enable the social and economic wellbeing of the local community and help maintain the regionally and nationally significant benefits derived from the existing planning arrangements;
 - d. It has proper regard to the potential impact of reverse sensitivity effects caused by the location of activities enabled by PPC2 in close proximity to the existing and potential future industrial activities of Fonterra and Contact in particular;
 - e. The relief sought by the Appellant would better avoid, remedy and mitigate potential adverse environmental effects and promotes the sustainable management of natural and physical resources under section 5 of the RMA.
7. Contact agrees to participate in mediation or other alternative dispute resolution.

DATED at Wellington this 15th day of May 2020



Signature: Chris Drayton

Date: 15 May 2020

Address for Service: C/- Chris Drayton

Consenting Manager

Contact Energy Ltd

Level 2, Harbour City Tower

29 Brandon Street

PO Box 10742, Wellington 6143

WELLINGTON

Telephone: 027 511 0365

Email: chris.drayton@contactenergy.co.nz

TO: The Registrar of the Environment Court at Auckland

AND TO: Hamilton City Council

AND TO: Appellant

AND TO: Applicant Perry Group Limited

AND TO: The relevant submitters on the provision appealed