

**IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY
TE KŌTI MATUA O AOTEAROA**

ENV – 2021 – CHC-

Under section 25 of the Canterbury Environment Canterbury (Transitional Governance Arrangements) Act 2016

In the matter of an appeal against a decision of the Canterbury Regional Council on Proposed Plan Change 7 to the Canterbury Land and Water Regional Plan

Between **SYNLAIT MILK LIMITED** a duly incorporated company having its registered office at 1028 Heslerton Road, Rd 13, Rakaia, 7783 , New Zealand

Appellant

And **CANTERBURY REGIONAL COUNCIL**

Respondent

NOTICE OF APPEAL BY SYNLAIT MILK LIMITED

10 DECEMBER 2021

Duncan Cotterill

Solicitor acting: Ewan Chapman / Sarah Mathews
PO Box 5, Christchurch 8140

Phone +64 3 379 2430

Fax +64 3 379 7097

Ewan.chapman@duncancotterill.com

To: The Registrar
High Court
Christchurch

This document notifies you that:

- 1 The Appellant will move the High Court at Christchurch by way of an appeal against part of a decision of the Canterbury Regional Council, dated 17 November 2021 on Proposed Plan Change 7 (**PC7**) to the Canterbury Land and Water Regional Plan (**the decision**).
- 2 The Appellant made a submission dated 2 November 2020 on PC7, produced evidence in support of its submission and appeared before the panel of Commissioners at the Council hearing.
- 3 The Appellant received notice of the decision on 20 November 2021.

PARTS OF THE DECISION APPEALED AGAINST

- 4 The Appellant appeals against the following parts of the decision:
 - 4.1 Rangitata Orton High Nitrogen Concentration Area – Policy 14.4.28;
and
 - 4.2 Timaru Freshwater Management Unit – Levels Plain High Nitrogen Concentration Area – Policy 14.4.41;

GROUNDS OF APPEAL AND REASONS

- 5 The decision contains a procedural error and is one that the Respondent could not reasonably have come to on the evidence before it.
- 6 The decision accepts the Appellants submission point in part to amend policies 14.4.28 and 14.4.41 to remove the requirement for industry to reduce discharges by 30% where that discharge is part of a farming activity.
- 7 The reason given in the decision is that the hearing panel adopts the recommendations and reasons in the section 42A reply report February 2021. However, the wording adopted in the decision does not align with that report.

8 The s42A reply report wording is: *unless the point source discharge is occurring as part of a farming activity subject to stepped nitrogen loss reductions required by Table 14(zc).*

9 The decision wording is: *unless the point source discharge is from a farming activity that is subject to the stepped nitrogen loss reductions in Table 14(zc).*

RELIEF SOUGHT

10 We seek the following relief:

10.1 That the appeal be allowed, and the High Court remit the decision back to Canterbury Regional Council for consideration, with a direction that the following corrections are made:

10.2 The replacement of the words "*unless the point source discharge is from a farming activity*" in policies 14.4.28 and 14.4.41 with the words "*unless the point source discharge is occurring as part of a farming activity*";

10.3 Or other such amendments to policies 14.4.28 and 14.4.41 that would satisfy the concerns of the Appellant.

10.4 The Appellant seeks costs.

11 We attach the following documents to this notice:

11.1 A copy of the relevant decision.

11.2 A copy of the s42A reply report and appendix A.

11.3 A copy of the Appellant's original submission.

11.4 A list of names and addresses of persons to be served with a copy of this notice.

Dated 10 December 2021


Ewan Chapman/ Sarah Mathews
Solicitor for the Appellant

This document is filed by Ewan Chapman of Duncan Cotterill, solicitor for the appellant.

The address for service of the appellant is:

Duncan Cotterill
Level 2, Duncan Cotterill Plaza
148 Victoria Street
Christchurch 8013

Documents for service on the appellant be:

- Left at the address for service.
- Posted to the solicitor at PO Box 5, Christchurch 8140
- Emailed to the solicitor at sarah.mathews@duncancotterill.com

Please direct enquiries to:

Ewan Chapman / Sarah Mathews
Duncan Cotterill
Tel +64 3 379 2430
Email Ewan.chapman@duncancotterill.com