

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2020-AKL-000083

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU 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 **OJI FIBRE SOLUTIONS (NZ) LIMITED**

Appellant

AND **WAIKATO REGIONAL COUNCIL**

Respondent

**NOTICE BY HAMILTON CITY COUNCIL TO BECOME A PARTY TO PROCEEDINGS
UNDER SECTION 274 OF THE ACT**

28 September 2020

TOMPKINS | WAKE

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TO: The Registrar
Environment Court
Auckland

1. **HAMILTON CITY COUNCIL** (“HCC”) gives notice under s 274 of the Act that it wishes to be a party to these proceedings, being *OJI Fibre Solutions (NZ) Limited v Waikato Regional Council* (ENV-2020-AKL-000083).
2. The Appeal challenges the decision by the Respondent on Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments (“PC1”), “the Decision”.
3. HCC is a local authority and a person who made a submission about the subject matter of the proceedings.
4. HCC is not a trade competitor for the purposes of section 308C or 308CA of the Act.
5. HCC’s interests, positions and reasons in relation to the appeal are set out in Table 1 below.
6. HCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Hamilton this 28th day of September 2020



M Mackintosh / L Muldowney

HCC reference: D-3448516

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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 and served on:

The Council at: PC1Appeals@waikatoregion.govt.nz

The Appellant at: gillian@chappell.nz

Advice

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

Table 1: Details of HCC’s section 274 party interests

Provision	Relief sought by Appellant	HCC’s position	Reasons
Objective 3	<p>Amend Objective 3 to give effect to the reasons for the appeal and to better reflect:</p> <p>(a) The wider economic relationship of the community with the river, including that the river needs to “continue to provide for” social, economic and cultural wellbeing;</p> <p>(b) That the Waikato River has some assimilative capacity.</p>	Support	<p>1. The river needs to continue to provide for social, economic and cultural wellbeing.</p> <p>2. The Waikato River has assimilative capacity that can be used to provide for social, economic and cultural wellbeing, while still achieving Objective 1.</p>
Policy 8 a	<p><i>a. People and communities will need to collectively change practices and activities so as to contribute proportionately to achieving the short-term numeric water quality values in Table 3.11-1 for the catchments as a whole; and</i></p>	Oppose	<p>It is unclear what a "proportionate" contribution to water quality values would be; proportionate to what?</p>
Policy 11	<p>(e) Better reflecting the significant advances already made in reducing discharges of the four contaminants from point source discharges from regionally significant industry and infrastructure,</p>	Support the relief sought at 4.7 (e) of the Notice of Appeal	<p>The relief sought at 4.7 (e) of the Notice of Appeal could lead to a more equitable distribution of the cost of restoring and protecting the health and wellbeing of the Waikato River amongst those discharging contaminants to it.</p>
Policy 12	<p>Amend the policy to give effect to the reasons for the appeal and:</p> <p>(c) To the extent that the policy applies to discharges having either significant adverse effects on aquatic life or toxic adverse effects, by providing for the discharge to be assessed “after reasonable mixing in the receiving waters”;</p>	Support the relief sought at 4.8 (c) of the Notice of Appeal	<p>The assessment as to whether there are significant adverse effects should be made downstream of the zone of reasonable mixing for the discharge, in accordance with Policy 3.2.3.8. Policy 3.2.3.8 recognises, and enables use to be made of, the receiving water's assimilative capacity, while also considering any effects of the mixing zone on other users of the water body and the extent of adverse effects within the mixing zone (Policy 3.2.3.8 (j) and (k)).</p>