

BEFORE THE ENVIRONMENT COURT
AT AUCKLAND

I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an appeal pursuant to Clause 14 of
the First Schedule of the Resource
Management Act 1991 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

(ENV-2020-AKL-000083)

AND **WAIKATO REGIONAL COUNCIL**

Respondent

**NOTICE OF MATAMATA-PIAKO DISTRICT COUNCIL'S WISH TO BE
PARTY TO PROCEEDINGS UNDER SECTION 274 OF THE RESOURCE
MANAGEMENT ACT 1991**

**BROOKFIELDS
LAWYERS**

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AUCKLAND

TO: The Registrar
Environment Court
Auckland

AND TO: OJI FIBRE SOLUTIONS (NZ) LIMITED

Vulcan Building Chambers
P O Box 3320 Shortland Street
DX CX 20546
AUCKLAND 1140

1. Matamata-Piako District Council (**MPDC**) wishes to be a party to the following proceeding concerning an appeal against the decisions on submissions on Proposed Plan Change 1 (Waikato and Waipa rivers) to the Waikato Regional Plan (**PC1**):
 - (a) ENV-2020-AKL-000083 OJI Fibre Solutions (NZ) Limited v Waikato Regional Council (**Appeal**).

Nature of Interest

2. MPDC is:
 - (a) A local authority; and
 - (b) A person who made a submission (submitter ID 73419) and further submission on the subject matter of the proceedings.
3. MPDC is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (**RMA**).

Extent of Interest

4. The parts of the proceeding that MPDC is interested are:
 - (a) Objective 3; and
 - (b) Policies 11 to 13.

5. Without derogating from paragraph 4, MPDC is particularly interested in the Appeal so far as it relates to:
 - (a) Amending Objective 3 to better reflect 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 and that the Waikato River has some assimilative capacity.
 - (b) Amending Policy 11 to provide a clear consenting pathway for the continued operation and development of regionally significant industry and infrastructure in order to give effect to the Regional Policy Statement.
 - (c) Amending Policy 12 to better reflect that not all effects associated with regionally significant industry and infrastructure can be avoided, remedied or mitigated. The RMA is not a "no effects" statute. Policy 12 fails to recognise that offsetting and compensation may be proposed pursuant to section 104(1)(ab) of the RMA. The Policy should also provide for reasonable mixing, rather than it being optional and at the decision maker's discretion.
 - (d) Amending Policy 13 such that it is not subject to Policy 12, including by deleting the reference to Policy 12 in clause (e). MPDC also supports amending clause (i) by deleting the following words in relation to reasonable mixing "may be acceptable as a transitional measure during the life of this Chapter".

Relief Sought

6. MPDC **supports** the relief sought in the Appeal because:
 - (a) It promotes sustainable management;
 - (b) It enables social, economic and cultural wellbeing;
 - (c) It is otherwise consistent with Part 2 of the RMA;

- (d) It is appropriate in terms of section 32 of the RMA; and
- (e) Otherwise for the reasons set out in MPDC's submission and further submission on PC 1.

7. MPDC seeks that the relief sought in the Appeal be **granted**.

Mediation

8. MPDC agrees to participate in mediation or other dispute resolution of the proceedings.

Service

9. A copy of this notice has been served on the Respondent and Appellant.

DATED the 29th day of September 2020

MATAMATA-PIAKO DISTRICT COUNCIL by its lawyers and duly authorised agents **BROOKFIELDS LAWYERS**



A M B Green / B J Cochrane
Counsel for Matamata-Piako District Council

This section 274 is filed by Andrew Michael Basford Green, solicitor for Matamata-Piako District Council. The address for service of Matamata-Piako District Council is at the offices of Brookfields Lawyers, Tower 1, 9th Floor, 205 Queen Street, Auckland.

Documents for service on Matamata-Piako District Council may be left at the address for service or may be:

1. Posted to the solicitors at PO Box 240, Auckland 1140.
2. Left for the solicitors at Document Exchange for direction to DX CP24134.
3. Transmitted to the solicitors by facsimile to 09 379 3224.
4. Emailed to the solicitors at green@brookfields.co.nz or cochrane@brookfields.co.nz