

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
I TE KOOTI TAIAO O AOTEAROA**

ENV-2020-AKL-000083

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under clause 14 of Schedule 1 to 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 OF TAUPO DISTRICT COUNCIL'S WISH TO BE A PARTY TO
PROCEEDINGS**

Dated 29 September 2020

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To: The Registrar
Environment Court
Auckland

1. Taupo District Council (**TDC**) wishes to be a party to the proceedings, being ENV-2020-AKL-000083 *Oji Fibre Solutions (NZ) Limited v Waikato Regional Council (Appeal)*.
2. TDC made a submission about the subject matter of the Appeal and, as a local authority, has an interest in the proceedings that is greater than the interest that the general public has.
3. TDC is not a trade competitor for the purposes of sections 308C or 308CA of the Resource Management Act 1991 (**RMA**).
4. TDC is interested in those parts of the Appeal relating to:
 - a) Objective 3 – Te Whaingā 3;
 - b) Policy 11 – Te Kaupapa Here 11;
 - c) Policy 12 – Te Kaupapa Here 12; and
 - d) Policy 13 – Te Kaupapa Here 13
5. TDC is interested in the following particular issues:
 - a) Community wellbeing;

- b) The operation and development of Regionally Significant Industry and Regionally Significant Infrastructure;
 - c) Offset and compensation measures; and
 - d) Provision for reasonable mixing.
6. TDC supports the relief sought by the appellant for the following reasons:

Objective 3

- a) The Objective fails to enable communities to provide for their social and economic wellbeing, including productive economic opportunities, while managing within limits in a manner consistent with the National Policy Statement for Freshwater Management.

Policy 11

- b) A clear consenting pathway should be provided in the Policy for the continued operation and development of Regionally Significant Infrastructure and Regionally Significant Industry and in order to give effect to the Waikato Regional Policy Statement (**WRPS**).

Policy 12

- c) The Policy inappropriately obligates offsetting/compensation for the residual adverse effects associated with new or replacement resource consents and fails to recognise or clarify that offsetting/compensation may be proposed pursuant to s 104(1)(ab) of the RMA.

Policy 13

d) It is likely to be very challenging for the short-term water quality targets in Table 3.11-1 to be met at the end of the discharge pipe. The duration of resource consents for wastewater treatment plants frequently exceed 10 years. TDC is concerned that if a 25-year consent duration was sought, processing officers might take the view that reasonable mixing is acceptable for the first 10 years but not thereafter. As a result, the water quality targets in Table 3.11-1 would have to be met at the end of the discharge pipe for the following 15 years. That may not be achievable and would require costly upgrades to wastewater treatment plants, which would place a significant financial burden on ratepayers, thereby not achieving Objective 3.

7. TDC supports any consequential relief to the extent that it is consistent with the outcomes sought in its appeal.
8. TDC agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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L F Muldowney / S K Thomas
Counsel for Taupo District Council

Dated 29 September 2020

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Advice

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