

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I MUA I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU ROHE**

ENV-2020-AKL-000084

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF an appeal under clause 14(1) of Schedule 1 of
the Resource Management Act 1991

BETWEEN **FONTERRA LIMITED**
Appellant

AND **WAIKATO REGIONAL COUNCIL**
Respondent

**NOTICE OF WAIKATO RIVER AUTHORITY UNDER SECTION 274 OF THE
RESOURCE MANAGEMENT ACT 1991**

29 SEPTEMBER 2020

BUDDLEFINDLAY
Barristers and Solicitors
Wellington

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To: The Registrar
The Environment Court
Auckland

1. Waikato River Authority ("**WRA**") wishes to be a party to the appeal proceedings lodged by Fonterra Limited ("**the Appellant**") in respect of the decisions on Proposed Plan Change 1 ("**PPC1**") to the Waikato Regional Plan, which were publicly notified on 22 April 2020 ("**the Decisions Version**").
2. The WRA is the statutory body formed under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and with additional responsibilities arising under the Nga Wai o Maniapoto (Waipa River) Act 2012.
3. As part of its statutory function, WRA sets the primary direction, through the Vision and Strategy / Te Ture Whaimana o Te Awa o Waikato ("**Te Ture Whaimana**"), to achieve the restoration of the health and wellbeing of the Waikato River for future generations. In particular, a key function of WRA is to engage with, and provide advice to, local authorities on amending Resource Management Act 1991 ("**RMA**") planning documents to give effect to Te Ture Whaimana.¹ Accordingly, WRA has an interest in the proceedings that is greater than the interest that the general public has.
4. WRA also made a submission about the subject matter of the proceedings.² WRA's submissions generally supported the notified provisions in PPC1, or sought strengthening of provisions, that ensured water quality targets would be met within an 80-year timeframe and that gave effect to Te Ture Whaimana.
5. WRA is not a trade competitor for the purposes of section 308C and 308CA of the RMA.

¹ Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, s23(2)(a).

² WRA made a submission on PPC1 on 2 March 2017 and a submission on Variation 1 to PPC1 on 21 May 2018. WRA made a further submission on 17 September 2018. WRA presented evidence to the Independent Hearing Commissioners on a range of matters raised in its submission(s) on 13 March 2019.

6. WRA has filed its own appeal that identifies provisions in the Decisions Version that do not give effect to Te Ture Whaimana, but otherwise is supportive of the Decisions Version as notified.³
7. WRA is interested in all of the proceedings, in particular:
 - (a) any proposed or consequential amendments that may reduce the short-term water quality targets from 20%;
 - (b) proposed amendments to Objective 3;
 - (c) proposed amendments to Policies 1, 2, 3, 4 and 10 and Methods 3.11.3.3 and 3.11.3.4;
 - (d) proposed amendments to Objective 3; and
 - (e) proposed amendments to Rules 3.11.4.3, 3.11.4.4, 3.11.4.5, 3.11.4.7, 3.11.4.8 and 3.11.4.9 and Schedules B, D1 and D2.
8. In respect of the relief sought by the Appellant, WRA:
 - (a) supports the relief sought by the Appellant in respect of defining “water bodies within the Waikato and Waipā catchments” to the extent this ensures tributaries and all water bodies are captured in the relevant PPC1 provisions and gives effect to Te Ture Whaimana;
 - (b) supports the relief sought by the Appellant in respect of Policies 1, 2, 3, 4 and 10 and Methods 3.11.3.3 and 3.11.3.4, to the extent that these amendments strengthen the provisions of PPC1 and provide more certainty and clarity to achieve water quality targets, however not if the effect of these amendments would create a more permissive framework and not give effect to Te Ture Whaimana;
 - (c) opposes any consequential relief that may be sought by the Appellant resulting in a reduction in short-term water quality targets from 20% from current contaminant loads, on the basis that a 20% reduction over the first 10 years from when PPC1 is made operative, as provided for in the Decisions Version:

³ ENV-2020-AKL-000090. To avoid doubt, where WRA opposes aspects of the Appellant's appeal on the basis that the Decisions Version gives effect to Te Ture Whaimana, that is subject to any challenges to the relevant provision that WRA has raised in its own appeal.

- (i) reflects the delay of PPC1 becoming operative and substantive progress getting underway; and
- (ii) provides more certainty that the 80-year timeframe to meet water quality targets is achieved and gives effect to Te Ture Whaimana;
- (d) opposes the relief sought in respect of Objective 3 as this objective, as set out in the Decisions Version, gives effect to Te Ture Whaimana;
- (e) opposes the relief sought by the Appellant in respect of Rules 3.11.4.3, 3.11.4.4, 3.11.4.5, 3.11.4.7, 3.11.4.8 and 3.11.4.9, to the extent that these amendments seek a consistent approach across different farming types, as well as the change to activity status for high intensity farming, which is not appropriate and may weaken the provisions of PPC1; and
- (f) opposes the relief sought by the Appellant in respect of Schedules B, D1 and D2 to the extent that these amendments result in a more permissive planning framework and weaken the provisions of PPC1 and ability to achieve its objectives.

9. In addition, WRA:

- (a) supports any other similar or consequential relief arising from this appeal that gives effect to Te Ture Whaimana and the relief sought in WRA's notice of appeal; and
- (b) opposes any other similar or consequential relief arising from this appeal that does not give effect to Te Ture Whaimana and the relief sought in WRA's notice of appeal.

10. WRA agrees to participate in mediation or other alternative dispute resolution of the proceedings.

WRA by its solicitors and authorised agents
Buddle Findlay:



Signature:

P T Beverley / C E Bulow

Date:

29 September 2020

Address for Service:

Buddle Findlay
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Service may also be effected by:

- (a) posting it to the solicitor at PO Box 2694, Wellington; or
- (b) leaving it for the solicitor at a document exchange for direction to DX SP20201, Wellington; or
- (c) emailing it to the solicitor at paul.beverley@buddlefindlay.com.

Telephone:

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TO: The Registrar of the Environment Court at Auckland

AND TO: The Appellant

AND TO: Waikato Regional Council