

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

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

ENV-2020-AKL-000091

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 **HAMILTON CITY COUNCIL**
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 Hamilton City Council ("**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) proposed amendments to Objective 1;
 - (b) proposed amendments to Policies 13 and 17;
 - (c) proposed amendments to Method 3.11.3.2;
 - (d) proposed amendments to Schedule C; and
 - (e) proposed amendments to the Glossary of Terms.
8. In respect of the relief sought by the Appellant, WRA:
 - (a) supports the relief sought by the Appellant to add a new definition of “infrastructure wetland”, to the extent that WRA, through its own appeal, has sought that “wetlands” are defined to ensure all wetlands are captured under the PPC1 provisions;
 - (b) supports, to an extent, the relief sought by the Appellant in respect to Objective 1 and Policy 17, however the purpose, function and maintenance requirements of infrastructure wetlands need to be clearly provided for;
 - (c) opposes the relief sought by the Appellant in respect of Policy 13, on the basis that the amendments sought:
 - (i) allow staging of offsetting activities over the duration of a consent and generally may result in a more permissive planning framework contrary to Te Ture Whaimana; and
 - (ii) would weaken this policy which, as set out in the Decisions Version, provides that reasonable mixing “may” be appropriate as a “transitional measure” reflecting that other matters should also be considered and high levels of treatment for point source discharges will be required to achieve the 80 year water quality targets and give effect to Te Ture Whaimana;

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.

- (d) supports the relief sought by the Appellant in respect of Method 3.11.3.2, as this amendment strengthens the provision by requiring the implementation of sub-catchment scale plans; and
- (e) supports the relief sought by the Appellant in respect of Schedule C, to the extent that these amendments provide clarity and certainty for plan users.

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
Level 17, Aon Centre
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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:

(04) 499 4242

TO: The Registrar of the Environment Court at Auckland

AND TO: The Appellant

AND TO: Waikato Regional Council