

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2020-AKL-000094

**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 **ROYAL FOREST AND BIRD PROTECTION SOCIETY OF
NEW ZEALAND INCORPORATED**

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

Solicitor: Marianne Mackintosh
marianne.mackintosh@tompkinswake.co.nz

Counsel: Lachlan Muldowney
lachlan@muldowney.co.nz

Westpac House
430 Victoria Street
PO Box 258
DX GP 20031
Hamilton 3240
New Zealand
Ph: (07) 839 4771
Fax: (07) 839 4913
tompkinswake.co.nz

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 *Royal Forest and Bird Protection Society of New Zealand Incorporated v Waikato Regional Council* (ENV-2020-AKL-000094).
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-3448556

Address for service: C/- Marianne Mackintosh
Westpac House
Level 8,
430 Victoria Street,
Hamilton 3204
PO Box 258
DX GP200031

Telephone: 07 838 6034

Email: Marianne.Mackintosh@tompkinswake.co.nz

Contact Person: Marianne Mackintosh

Copy to counsel: Lachlan Muldowney
Barrister
14 Garden Place, Hamilton
PO Box 9169
Waikato Mail Centre
Hamilton 3240

Telephone: 07 834 4336/021 471 490

Email: lachlan@muldowney.co.nz

Contact Person: Lachlan Muldowney

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: w.jennings@forestandbird.org.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 2	<i>Immediate and constant pProgress is made over the life of this Plan towards the restoration and protection of the health and wellbeing of the Waikato and Waipā River catchments in relation to nitrogen, phosphorus, sediment and microbial pathogens by the short-term numeric water quality values in Table 3.11-1 being met no later than 10 years after Chapter 3.11 of this Plan is operative.</i>	Oppose	Immediate progress is unachievable: there will be a delay between the Plan becoming operative, the rules being applied, and the quality of discharges improved. Because of the complexity and associated costs of the issues and processes associated with the investigation, planning, funding, construction and commissioning of regionally significant infrastructure, a period of between 5 and 10 years is needed between deciding to initiate the process leading to the upgrading of such infrastructure and the upgraded infrastructure becoming operational.
Policies 3(d)(iv), 5, 12(b) and 13	Deleting references to offsetting and compensation	Oppose	Because of the technical and financial challenges associated with restoring and protecting the health and wellbeing of the Waikato River, HCC seeks to maximise the number of tools available to it to manage the adverse effects on the Waikato River of the activities it manages. HCC intends to apply the Best Practicable Option to manage the contaminants it discharges to the River and to offset or compensate for any significant residual adverse effects. Offsets will increase the rate of river water-quality improvement.
Policies 12 and 13	Amend the 80 year time to give effect to relief sought on Objective 1, that is, "The restoration and protection of water quality to achieve healthy rivers by 2050".	Oppose	HCC opposes amending the 80-year time frame because this would impose a huge financial burden on the Waikato community. The 80-year period was adopted to recognise the magnitude of the technical and financial challenges

Provision	Relief sought by Appellant	HCC's position	Reasons
			involved in achieving Objective 1 as expressed in the Decision Version of PC1.
Policy 19	<p><i>When managing resource consent applications related to the discharge of nitrogen, phosphorus, sediment and microbial pathogens, seek opportunities <u>other than through offsets and compensation of residual effects</u> to advance achievement of the objectives in Te Ture Whaimana o Te Awa o Waikato for the Waikato and Waipā Rivers, including, but not limited to:</i></p> <p><i>a. Opportunities to enhance biodiversity and the functioning of ecosystems; and</i></p> <p><i>b. Opportunities to enhance access and recreational values associated with the rivers.</i></p>	Oppose	<p>Because of the technical and financial challenges associated with restoring and protecting the health and wellbeing of the Waikato River, HCC seeks to maximise the number of tools available to it to manage the adverse effects on the Waikato River of the activities it manages. HCC intends to apply the Best Practicable Option to manage the contaminants it discharges to the River and to offset or compensate for any significant residual adverse effects. Offsets will increase the rate of river water-quality improvement.</p>