

**BEFORE THE ENVIRONMENT COURT**

**AT AUCKLAND**

**ENV-2020-AKL-000094**

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

of an appeal under clause 14(1) of the First Schedule of the Resource Management Act 1991 in relation to the Proposed Waikato Regional Plan Change 1: Waikato and Waipa Catchments

**BETWEEN**

**The Royal Forest and Bird Protection Society of New Zealand Incorporated**

Appellant

**AND**

**Waikato Regional Council**

Respondent

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**NOTICE OF KING COUNTRY ENERGY LIMITED'S  
WISH TO BE A PARTY TO THE PROCEEDINGS PURSUANT TO  
SECTION 274 OF THE RESOURCE MANAGEMENT ACT 1991**

**TO:** The Registrar  
Environment Court  
AUCKLAND

**Via E-mail:** [WRC.PC1appeals@justice.govt.nz](mailto:WRC.PC1appeals@justice.govt.nz)

1. King Country Energy Limited ('KCE') wishes to become a party to an appeal by the Royal Forest and Bird Protection Society Incorporated ('F&B') (under clause 14(1) of the First Schedule of the Resource Management Act 1991 ('RMA')) in relation to the Respondent's decisions on the Proposed Waikato Regional Plan Change 1: Waikato and Waipa Catchments ('PC1').
2. This notice is made as KCE submitted and further submitted on the provisions of PC1 to which this appeal relates.
3. KCE is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
4. KCE has an interest in the following parts of the proceedings:
  - (a) Objective 1
  - (b) Objective 2 (Freshwater Objective)

5. KCE opposes the relief sought by F&B to Objectives 1 and 2.

**Objective 1**

- 5.1 The decisions version of Objective 1 states that *"In relation to the effects of nitrogen, phosphorus, sediment and microbial pathogens on water quality, the health and wellbeing of the Waikato and Waipā Rivers, including all springs, lakes and wetlands within their catchments, is both restored over time and protected, with the result that in particular, they are safe for people to swim in and take food from at the latest by 2096."*
- 5.2 F&B, in its appeal to Objective 1 states that the timeframe of 'at the latest 2096' as set out in the decisions version of PC1 is far too long. F&B consider that this, in combination with the decisions version of Objective 2 means that PC1 in itself will not achieve any of the improvements discussed in Objectives 1 & 2 in the very minimum, for at least 10 years. F&B states that with nothing required for 10 years another plan will be in place, or at least in the process of being developed and yet another set of proposed target dates will be recommended. While it is accepted that this is a long-term goal-oriented objective, F&B considers that the timeframes need to be reduced to encourage improvements more quickly. As such, F&B have sought to amend Objective 1 as follows: *"The restoration and protection of water quality to achieve healthy rivers by 2050."*
- 5.3 KCE considers that it is inappropriate to reduce the timeframes that have been set within Objective 1 without robust scientific justification. KCE notes that a reduction in the timeframes associated with the water quality improvements required by PC1 will likely have significant consequences and must be set to recognise that achieving the water quality improvements will be difficult and costly to the community, and that new technologies and practices will be needed that are not currently available or economically feasible. KCE further considers that the timeframe must also recognise that considerable tracts of land will need to change land-use to de-intensify discharges of contaminants.

## Objective 2

- 5.4 The decisions version of Objective 2 reads as follows: *“Progress 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.”*
- 5.5 In its appeal, F&B states that Objective 2 defers actions to improve water quality for a further 10 years than anticipated within the proposed plan change. F&B considers that this is inappropriate, stating that there will be many who will not implement any changes to their farming practices until the near fruition of the ten-year timeframe. F&B record that the ten-year timeframe sets a worrying trend that each subsequent plan change will not have to meet the next set of short-term numeric water quality values for another 10 years. Rather than a gradual increase in water quality, F&B considers that Objective 2 will create a 10-year burst in improved quality which is then followed by another 10 years of stagnation. Given this, F&B have requested the following amendment to Objective 2: *“Immediate and constant progress is made over the life of this plan towards...”*.
- 5.6 KCE considers that to require the achievement of immediate and constant progress may not be possible and would likely give rise to significant costs and economic hardship to those who must implement immediate measures to bring about the required water quality improvements. Given this, KCE considers that it would be difficult to comply with Objective 2 as amended by F&B.
- 6.0 KCE agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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**Chris Fincham**

**General Manager for King Country Energy Limited**

**Dated:**

29<sup>th</sup> of September 2020

**Address for Service:** King Country Energy Limited  
PO Box 363,  
TAUMARUNUI 3946

**Attention:** Chris Fincham

**E-mail:** [cfincham@kce.co.nz](mailto:cfincham@kce.co.nz)

**Address for Service 2:** Enspire,  
Level 3, 35 Grey Street,  
TAURANGA 3110

**Attention:** Bridgette Munro

**E-mail:** [bridgette@enspire.co.nz](mailto:bridgette@enspire.co.nz)

**Note to person wishing to be a party**

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after–

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991. The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

*Advice*

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