

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

Appellant

AND **WAIKATO REGIONAL COUNCIL**

Respondent

**NOTICE BY SOUTH WAIKATO DISTRICT COUNCIL TO BECOME A PARTY TO
PROCEEDINGS UNDER SECTION 274 OF THE ACT**

Dated 28th of September 2020

TOMPKINS | WAKE

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TO: The Registrar
Environment Court
Auckland

1. **SOUTH WAIKATO DISTRICT COUNCIL** (“SWDC”) gives notice under s 274 of the Resource Management Act 1991 (“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 (“the Appeal”).
2. The Appeal challenges the decision by the Respondent on Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments to the Waikato Regional Plan as amended by Variation 1 (“PC1”).
3. SWDC is a local authority and person who made a submission about the subject matter of the proceedings.
4. SWDC is not a trade competitor for the purposes of sections 308C or 308CA of the Act.
5. SWDC is interested in those parts of the Appeal relating to:
 - (a) Objective 1;
 - (b) Policies 3(d)(iv), 5, 12(b) and 13 (Offsetting and Compensation);
 - (c) Policies 12 and 13; and
 - (d) Policy 17.
6. SWDC’s position on the Appeal and the reasons for that position are set out in respect of each part of the Appeal below. For brevity, the description of the relief sought in the appeal is paraphrased in this notice.

Objective 1

7. The Appeal on Objective 1 seeks to amend Objective 1 to require the achievement of 'healthy rivers' by 2050.
8. SWDC opposes the relief sought by the Appellant for the following reasons:
 - (a) The term 'healthy rivers' is ambiguous and lacks certainty;
 - (b) There is no evidence to demonstrate that the long-term goals are practically achievable in the proposed timeframe pursued in the Appeal; and
 - (c) There is no cost-benefit assessment of the social and economic effects of bringing the timetable forward and it would not be consistent with Objective 3.

Policies 3(d)(iv), 5 and 13 (Offsetting/Compensation)

9. The Appeal on Policies 3(d)(iv), 5 and 13 seeks to delete the reference to offsets and compensation.
10. SWDC opposes the relief sought by the Appellant for the following reasons:
 - (a) The appeal would be contrary to the Act, particularly s 104(1)(ab) which expressly provides for the consideration of offsets and compensation;
 - (b) Offsets and compensation will be necessary in order to achieve Objective 1;
 - (c) There is no regulatory, effects based or practical basis for the Appellant's contention that offset and compensation are not appropriate in the water quality and PC1 context; and

- (d) The mitigation hierarchy relates to Biodiversity Offsets under the BBOP principles and it is not appropriate to apply this in the context of water quality.

Policies 12 and 13

- 11. The Appeal on Policies 12 and 13 seeks that the policies refer to the 80 year target which is sought in the Appellant's relief regarding Objective 1, and that the policies should only apply to Regionally Significant Industry and Regionally Significant Infrastructure.
- 12. SWDC opposes the relief sought by the Appellant for the following reasons:
 - (a) There is no reason that 'other' point source discharges should be excluded from achieving the matters set out in the respective policies; and
 - (b) The relief sought would be inequitable between those who are required to meet the requirements of the policies and those who are not.

Policy 17

- 13. The Appeal on Policy 17 seeks its amendment to require all wetlands be protected and restored.
- 14. SWDC opposes in part the relief sought by the Appellant insofar as wetlands constructed for the sole purpose of being part of infrastructure (infrastructure wetlands), should be excluded from Policy 17 and the application of PC1 provisions.
- 15. SWDC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 28th day of September 2020



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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.