

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
I TE KOOTI TAIAO O AOTEAROA**

ENV-2020-AKL-000094

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under clause 14 of Schedule 1 to 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 OF TAUPO DISTRICT COUNCIL'S WISH TO BE A PARTY TO
PROCEEDINGS**

Dated 29 September 2020

LACHLAN MULDOWNEY
BARRISTER

P +64 7 834 4336 **M** +64 21 471 490

Office Panama Square, 14 Garden Place, Hamilton

Postal PO Box 9169, Waikato Mail Centre, Hamilton 3240

www.lachlanmuldowney.co.nz

Instructing Solicitor: Nigel McAdie - nmcadie@taupo.govt.nz

To: The Registrar
Environment Court
Auckland

1. Taupo District Council (**TDC**) wishes to be a party to these proceedings, being ENV-2020-AKL-000094 *Royal Forest and Bird Protection Society of New Zealand Incorporated v Waikato Regional Council* (**Appeal**).
2. TDC made a submission about the subject matter of the Appeal and, as a local authority, has an interest in the Appeal that is greater than the interest that the general public has.
3. TDC is not a trade competitor for the purposes of sections 308C or 308CA of the Resource Management Act 1991 (**RMA**).
4. TDC is interested in those parts of the Appeal relating to:
 - a) Objective 1 – Te Whaingā 1;
 - b) Policy 3 – Te Kaupapa Here 3;
 - c) Policy 5 – Te Kaupapa Here 5;
 - d) Policy 12 – Te Kaupapa Here 12;
 - e) Policy 13 – Te Kaupapa Here 13; and
 - f) Policy 17 – Te Kaupapa Here 17;

5. TDC is interested in the following particular issues:
 - a) Community wellbeing;
 - b) The operation and development of regionally significant industry and infrastructure;
 - c) Requirements to restore and protect wetlands;
 - d) Offset and compensation measures; and
 - e) Provision for reasonable mixing.

6. TDC opposes the relief sought by the appellant for the following reasons:

Objective 1

- a) The 2050 target is unrealistic, lacks evidential foundation, and would require significant expenditure on infrastructure upgrades.

Policies 3, 5, 12 and 13

- b) Section 104(1)(ab) of the RMA expressly provides for offsets and compensation. It would be contrary to the RMA to remove the references to offsetting and compensation from the policies. Clarifying that the policies only apply to point source discharges would be more restrictive for Regionally Significant Infrastructure and Regionally Significant Industry, as other point source discharges could continue to be addressed outside these provisions

and not be subject to the requirement to reduce. This is an inequitable outcome.

7. In relation to the matters addressed in paragraph 6 above, TDC opposes any consequential relief to the extent that it is inconsistent with the outcomes sought in its appeal.
8. TDC supports the relief sought by the appellant with respect to Policy 17, in part, for the following reasons:

Policy 17

- a) This Policy could be applied in a manner that could undermine the efficient and effective management and operation of artificial and infrastructure wetlands. The proposed amendments are supported to the extent that it clarifies that the Policy does not apply to artificial and infrastructure wetlands.
9. In relation to the matter detailed in paragraph 8 above, TDC supports any consequential relief to the extent that it is consistent with the outcomes sought in its appeal.
 10. TDC agrees to participate in mediation or other alternative dispute resolution of the proceedings.



L F Muldowney / S K Thomas

Counsel for Taupo District Council

Dated 29 September 2020

Address for service:

Taupo District Council

C/- Lachlan Muldowney Barrister

Panama Square, 14 Garden Place

PO Box 9169

Hamilton 3244

Attention: Lachlan Muldowney / Shaye Thomas

Telephone: (07) 834 4336

Email: lachlan@muldowney.co.nz / shayethomas@muldowney.co.nz

Advice

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