

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2020-AKL-000096

**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 **DIRECTOR-GENERAL OF CONSERVATION**

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

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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 the *Director-General of Conservation v Waikato Regional Council* (ENV-2020-AKL-000096).
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-3448387

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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: agray@doc.govt.nz

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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
New Policy 12 (b) (iv)	<p><i>a. When considering resource consent applications for point source discharges of nitrogen, phosphorus, sediment and microbial pathogens to water or onto or into land in the Waikato or Waipā River catchments, require demonstration that the proposed discharge represents the Best Practicable Option at the time resource consent is being considered, to prevent or minimise the adverse effects of the discharge.</i></p> <p><i>b. Where, despite the adoption of the Best Practicable Option, there remain residual adverse effects, measures should be proposed at an alternative location(s) to the point source discharge, for the purpose of ensuring positive effects on the environment sufficient to offset or compensate for any residual adverse effects of the discharge(s) that will or may result from allowing the activity, provided that:</i></p> <ul style="list-style-type: none"> <i>i. the primary discharge does not result in the discharge having either significant adverse effects on aquatic life or toxic adverse effects; and</i> <i>ii. the measure relates to the contaminant(s) giving rise to the residual adverse effects; and</i> <i>iii. the measure occurs upstream within the same subcatchment in which the primary discharge occurs and if this is not practicable, then upstream within</i> 	Oppose	<p>PC1 identifies the attribute states to be achieved throughout the catchment to achieve, over an 80-year period, water quality that is safe for food harvesting and swimming. It sets the trajectory to achieve that long-term objective and to implement Objective k of Te Ture Whaimana. It is unnecessary, therefore, for the purposes of achieving this objective, to require people who operate point source discharges to provide environmental gains beyond those required by PC1. It is also inequitable and inappropriate to do so.</p>

Provision	Relief sought by Appellant	HCC's position	Reasons
	<p><i>the same Freshwater Management Unit or a Freshwater Management Unit located upstream; and</i></p> <p>iv. <i><u>the measure demonstrates environmental gains in addition to those already required by Chapter 3.11, in the absence of the offset or compensation; and</u></i></p>		
<p>New Policy 12 (b) (v)</p>	<p>v. <i>it remains in place for the duration of the adverse residual effect in perpetuity and is secured by consent condition or another legally binding mechanism; and</i></p>	<p>Oppose</p>	<p>It is inappropriate and unreasonable to require an offset or compensation measure to continue after a point source discharge has ceased to have a residual adverse effect. Such a situation could arise, for example, because the point source discharge has ceased altogether, or a new Best Practicable Option has been applied that eliminates residual adverse effects.</p>
<p>New implementation method - sub-clause (b) (Appeal Point 17)</p>	<p>A new implementation method that requires the benchmarking of the nutrient and sediment characteristics of wetlands to provide a current state against which the performance of the provisions of Chapter 3.11 can be evaluated that reads:</p> <p><i><u>Waikato Regional Council, working with others, will:</u></i></p> <p><i><u>b. prioritise the improvement of degraded wetland systems by identifying methods and requiring actions to reduce the inputs of contaminants.</u></i></p>	<p>Oppose</p>	<p>Proposed implementation method (b) should not apply to infrastructure wetlands, wetlands built to treat stormwater or wastewater.</p>