

BEFORE THE ENVIRONMENT COURT
AT AUCKLAND

I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of an appeal pursuant to Clause 14 of
the First Schedule of the Resource
Management Act 1991 against the
decision of the Waikato Regional
Council on Proposed Plan Change 1
to the Waikato Regional Plan

BETWEEN

**DIRECTOR-GENERAL OF
CONSERVATION**

Appellant

(ENV-2020-AKL-000096)

AND

WAIKATO REGIONAL COUNCIL

Respondent

**NOTICE OF MATAMATA-PIAKO DISTRICT COUNCIL'S WISH TO BE
PARTY TO PROCEEDINGS UNDER SECTION 274 OF THE RESOURCE
MANAGEMENT ACT 1991**

**BROOKFIELDS
LAWYERS**

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AUCKLAND

TO: The Registrar
Environment Court
Auckland

AND TO: DIRECTOR-GENERAL OF CONSERVATION
Level 4, 73 Rostrevor Street,
Hamilton 3204
Private Bag 3072

1. Matamata-Piako District Council (**MPDC**) wishes to be a party to the following proceeding concerning an appeal against the decisions on submissions on Proposed Plan Change 1 (Waikato and Waipa rivers) to the Waikato Regional Plan (**PC1**):
 - (a) ENV-2020-AKL-000096 Director-General of Conservation v Waikato Regional Council (**Appeal**).

Nature of Interest

2. MPDC is:
 - (a) A local authority; and
 - (b) A person who made a submission (submitter ID 73419) and further submission on the subject matter of the proceedings.
3. MPDC is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991 (**RMA**).

Extent of Interest

4. The parts of the proceeding that MPDC is interested are:
 - (a) Objectives 1, 1A and 2;
 - (b) Policies 1, 12, 13, 17; and
 - (c) Proposed new Implementation Method (appeal point 17).

5. Without derogating from paragraph 4, MPDC is particularly interested in the Appeal with respect to the following submissions which it **supports** or **supports in intent**:
 - (a) The amendment to Policy 1 seeking the provision of greater specificity on what constitutes an acceptable level of 'general improvement'.
 - (b) The amendments to Policy 13 to clarify the meanings of the terms "high water quality" and "high level of contaminant reduction" and how they will be measured. This will aid in the implementation of Chapter 3.11 by providing greater certainty.

6. Without derogating from paragraph 4, MPDC is also interested in the Appeal with respect to the following submissions which it **opposes**:
 - (a) The amendment to Objective 1 to include the effects of nitrogen, phosphorus, sediment and microbial pathogens on "ecosystem health" which is outside the scope of PC1. Further, it is questionable whether the management of four contaminants will improve ecosystem health.
 - (b) The inclusion of a new Objective 1A which is outside the scope of PC1, ambiguous and can't be quantified.
 - (c) The amendment to Objective 2 to include the restoration of ecosystem health as it is outside the scope of PC1. Further, that this increased rate of improvement cannot be met by the provisions of PC1 as presently written. In addition, the social and economic costs of meeting the increased short-term target have not been adequately assessed, including in relation to the expenditure required to upgrade wastewater treatment plants.
 - (d) The amendment to Policy 1 to remove the focus on priority action, which will enable Objectives 1 and 2 to be achieved more efficiently and effectively because the greatest issues are likely to be prioritised.

- (e) The amendment to Policy 12 requiring offsets to remain in place in perpetuity. MPDC considers that this is impracticable, unfeasible and unnecessary (particularly when an activity/discharge has ceased). The Appellant's proposed point (iv) adds little value and is confusing.
- (f) The amendment to Policy 17 and inclusion of an additional method on the basis that infrastructure wetlands should be excluded from these provisions. MPDC opposes the imposition of controls relating to the development, operation, establishment or periodic removal of infrastructure wetlands.

Relief Sought

- 7. MPDC seeks the relief detailed in paragraphs 5 and 6 above because:
 - (a) It promotes sustainable management;
 - (b) It enables social, economic and cultural wellbeing;
 - (c) It is otherwise consistent with Part 2 of the RMA;
 - (d) It is appropriate in terms of section 32 of the RMA; and
 - (e) Otherwise for the reasons set out in MPDC's submission and further submission on PC 1.
- 8. MPDC seeks that the relief sought by the Appeal, and set out at Paragraph 5, be **granted**.
- 9. Further, MPDC seeks that the relief sought by the Appeal, and set out at Paragraph 6, be **declined**.

Mediation

- 10. MPDC agrees to participate in mediation or other dispute resolution of the proceedings.

Service

11. A copy of this notice has been served on the Respondent and Appellant.

DATED the 29th of September 2020

MATAMATA-PIAKO DISTRICT COUNCIL by its lawyers and duly authorised agents **BROOKFIELDS LAWYERS**



A M B Green / B J Cochrane
Counsel for Matamata-Piako District Council

This section 274 is filed by Andrew Michael Basford Green, solicitor for Matamata-Piako District Council. The address for service of Matamata-Piako District Council is at the offices of Brookfields Lawyers, Tower 1, 9th Floor, 205 Queen Street, Auckland.

Documents for service on Matamata-Piako District Council may be left at the address for service or may be:

1. Posted to the solicitors at PO Box 240, Auckland 1140.
2. Left for the solicitors at Document Exchange for direction to DX CP24134.
3. Transmitted to the solicitors by facsimile to 09 379 3224.
4. Emailed to the solicitors at green@brookfields.co.nz or cochrane@brookfields.co.nz