

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

ENV-2020-AKL-000096

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

DIRECTOR-GENERAL OF CONSERVATION

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-000096 *Director-General of Conservation 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 section 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) New Objective 1A;
 - c) Objective 2 (Freshwater Objective) – Te Whaingā 2 (Te Whaingā Wai Maori);
 - d) Policy 12 – Te Kaupapa Here 12;
 - e) Policy 13 – Te Kaupapa Here 13;
 - f) Policy 17 – Te Kaupapa Here 17; and

g) New method.

5. TDC is interested in the following particular issues:

a) Requirements to restore and protect wetlands;

b) The inclusion of additional attributes;

c) Offset and compensation measures; and

d) Provision for reasonable mixing.

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

Objective 1

a) The relief sought is out of the scope of Plan Change 1 (**PC1**). Even if it is determined to be in scope, management of the four contaminants and water quality alone is unlikely to achieve ecosystem health.

New Objective 1A

b) The relief sought is outside the scope of PC1 and is unachievable within the scope of PC1. The language sought in the relief is unclear in terms of meaning and effect, and is neither specific, measurable, achievable, realistic or time bound.

Objective 2

- c) The relief sought for ecosystem health is out of the scope of PC1. There is insufficient evidence that 20% improvement can be achieved within the life of the plan, or the effects on community well-being if it was to be required.

Policy 12

- d) The proposed clause iv) has no meaning or effect for individual point source discharges and is unnecessary and confusing. Biodiversity offsetting is inappropriately conflated under the Business and Biodiversity Principles of Biodiversity Offsets with the offsetting of nutrients. Requiring offsets in perpetuity is not practical, achievable or necessary, particularly when an activity/discharge has ceased.

Policy 17 and New Method

- e) These provisions could be applied in a manner that could undermine the efficient and effective management and operation of artificial and infrastructure wetlands. Wetlands created as part of infrastructure should be excluded from these provisions.
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, in part, in relation to Policy 13 for the following reasons:

Policy 13

- a) Clarity is required for the terms 'high water quality' and 'high level of contaminant reduction' to aid in the implementation of Chapter 3.11.
9. In relation to the matter addressed 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.