

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2020-AKL-000097

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU 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 **DAIRYNZ LIMITED**

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 28 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 *DairyNZ Limited v Waikato Regional Council* ENV-2020-AKL-000097 (“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 a person who made a submission about the subject matter of the proceedings, being Objective 2 and Objective 3.
4. SWDC is not a trade competitor for the purposes of sections 308C or 308CA of the Act.
5. SWDC is interested in part of the Appeal relating to Objective 2 (and Table 3.11-1) and Objective 3.
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 has been paraphrased in this notice.

Objective 2 and Table 3.11.1

7. The Appeal against Objective 2 and Table 3.11.1 seeks to amend those provisions to:
 - (a) Clarify what is to be achieved by PC1, including consideration of time lags; and

- (b) Revisit Objective 2 and Table 3.11-1 with regard to the 10 or 20% achievement of the long term goal;
8. SWDC supports the relief sought by the Appellant for Objective 2 and Table 3.11-1 for the following reasons:
- (a) The short-term targets, including the move to 20% of the improvement to achieve Objective 1, do not appear to adequately consider the effects of 'lag' periods for some of the four contaminants addressed in PC1.
 - (b) It is unclear, and unlikely, the policy mix in the decisions on PC1 will achieve the targets set in Objective 2 and Table 3.11-1 within the proposed timeframe.
 - (c) The impact of the requirement to achieve the 20% improvement in water quality in the first ten years is unclear. No assessment of its adverse effects on the community and its well-being have been carried out.
 - (d) It is more practical, pragmatic and achievable to ensure that all actions required are actioned and in place to achieve Objective 2 targets.

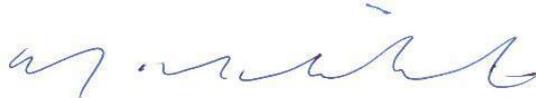
Objective 3

9. The Appeal against Objective 2 and Table 3.11.1 seeks amendments to recognise the need to provide for communities' social and economic, spiritual and cultural well-being through means other than the two matters listed in the decisions version of the Objective.
10. SWDC supports the relief sought by the Appellant for Objective 3 for the following reasons:

- (a) Objective 3 does not provide sufficient methods to ensure that community social and economic well-being is met while achieving the short and long term goals in Objective 1 and 2.
- (b) Clarity and certainty is required as to the practicality, feasibility, achievability of the target and the costs and benefits of achieving the 20% target within this policy mix.

11. SWDC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED 28th September 2020



M Mackintosh / K Dibley

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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: p.lang@xtra.co.nz

Advice

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