

**BEFORE THE ENVIRONMENT COURT**

**ENV-2020-AKL-00083, 00084, 00085, 00087,  
00089, 00090, 00091, 00092, 00093, 00095,  
00097, 00098, 00099,000100, 000102**

**AUCKLAND REGISTRY  
I TE KŌTI TAIAO O AOTEAROA  
TĀMAKI MAKĀURAU ROHE**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**IN THE MATTER** appeals 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**

**OJI FIBRE SOLUTIONS (NZ) LIMITED (ENV-2020-AKL-00083)**

**FONTERRA LIMITED V WAIKATO REGIONAL COUNCIL (ENV-2020-AKL-00084)**

**WAIPA DISTRICT COUNCIL (ENV-2020-AKL-00085)**

**HORTICULTURE NEW ZEALAND V WAIKATO REGIONAL COUNCIL (ENV-2020-AKL-00087)**

**WAIKATO REGIONAL COUNCIL (ENV-2020-AKL-00089)**

**WAIKATO RIVER AUTHORITY (ENV-2020-AKL-00090)**

**HAMILTON CITY COUNCIL (ENV-2020-AKL-00091)**

**SOUTH WAIKATO DISTRICT COUNCIL (ENV-2020-AKL-00092)**

**BALANCE AGRI-NUTRIENTS LTD (ENV-2020-AKL-00093)**

**MERCURY ENERGY LTD (ENV-2020-AKL-00095)**

**DAIRYNZ LIMITED (ENV-2020-AKL-00097)**

**WAIRAKEI PASTORAL LTD (ENV-2020-AKL-00098)**

**BEEF & LAMB NEW ZEALAND (ENV-2020-AKL-00099)**

**WAIKATO AND WAIPA RIVER IWI (ENV-2020-AKL-000100)**

**FEDERATED FARMERS OF NZ INC (ENV-2020-AKL-000102)**

**Appellants**

**AND**

**WAIKATO REGIONAL COUNCIL**  
**Respondent**

---

**NOTICE BY AUCKLAND/WAIKATO FISH AND GAME COUNCIL TO BECOME A PARTY TO  
PROCEEDINGS PURSUANT TO SECTION 274 RESOURCE MANAGEMENT ACT 1991**

---

**29 September 2020**

---

To: The Registrar  
Environment Court  
AUCKLAND

1. Auckland/Waikato Fish and Game Council (“Fish and Game”) gives notice under s274 of the Act that it wishes to be a party to these proceedings, being *ENV-2020-AKL-00083, 00084, 00085, 00087, 00089, 00090, 00091, 00092, 00093, 00095, 00097, 00098, 00099, 000100, 000102*.
2. The Appeals challenge the decision by the Respondent on Proposed Waikato Regional Plan – Plan Change 1 – Waikato and Waipa River Catchments (“PC1”), “the Decision”.
3. Fish and Game:
  - a. made a submission on the matters included in this appeal; and/or
  - b. has an interest greater than the public generally.
4. Fish and Game is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
5. Fish and Game is interested in the matters raised in the appeals that are listed in the Table below.
6. Fish and Game’s position on the relief sought in the appeals, is set out in the Table below. The grounds for opposing and/or supporting the relief sought, is set out in the Table below. Where Fish & Game opposes the relief sought its further grounds are that such relief is:
  - a. not in accordance with sound resource management practices; and
  - b. inconsistent with Part 2 of the Resource Management Act 1991.
7. Fish and Game agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated: 29 September 2020

Ben Wilson

Chief Executive for Auckland/Waikato Fish and Game Council

Appeal(s):	Matters Fish & Game is interested in:	Reasons / position:
<p>ENV-2020-AKL-000083 OJI Fibre Solutions (NZ) Limited v Waikato Regional Council</p>	<p>Objective 3:</p> <p>Policies 2, 5 and 11 – 13:</p>	<p><b>Oppose</b> The relief sought will not give effect to Te Ture Whaimana, Te Mana o Te Wai and does not recognise that social/economic prosperity will ultimately not occur without ensuring the <i>wellbeing</i> of the Waikato River and its waterbodies.</p> <p><b>Oppose</b> The relief sought is inappropriate and inconsistent with Te Ture Whaimana and the NPSFM 2020.</p>
<p>ENV-2020-AKL-000084 Fonterra Limited v Waikato Regional Council</p> <p>Dairy NZ ENV-2020-AKL-000097 DairyNZ Limited v Waikato Regional Council</p>	<p>Objective 2:</p> <p>Objective 3:</p> <p>Policy 4 and Rule 3.11.4.3:</p> <p>Schedule B:</p>	<p><b>Oppose</b> The relief sought by the appellants to reduce the required improvements in water quality from 20% to 10% does not recognise that more urgent and significant action for freshwater quality is required.</p> <p><b>Oppose</b> The relief sought will not give effect to Te Ture Whaimana, Te Mana o Te Wai and does not recognise that social/economic prosperity will ultimately not occur without ensuring the <i>wellbeing</i> of the Waikato River and its waterbodies</p> <p><b>Oppose</b> Ensure that any alternative approaches (to the Nitrogen Leaching Loss Rate) such as stocking rates, are appropriate and meet the Objectives.</p> <p><b>Oppose</b> The relief sought by the appellants in relation to increasing the nitrogen leaching rate threshold would inappropriately skew the permitted levels of Nitrogen to be higher, adversely affecting</p>

		the health and wellbeing of the awa.
ENV-2020-AKL-000085 Waipa District Council v Waikato Regional Council	Policy 12:	<b>Oppose</b> The amendments sought to the offsetting/compensation part of this Policy do not reflect best practice/ appropriate offsetting and compensation methodology.
ENV-2020-AKL-000087 Horticulture New Zealand v Waikato Regional Council	Rule 3.11.4.8:  Schedule C:	<b>Oppose</b> amendments to the Table in this Rule, including the addition of further sub-catchments. For example, the proposed new table no longer contains the exclusion for the Maramarua part of the subcatchment 9 (Waikato river at Mercer).  <b>Oppose</b> It is inappropriate to exclude commercial vegetable production (CVP) from the cultivation setback requirements.
ENV-2020-AKL-000089 Waikato Regional Council v Waikato Regional Council	Rule 3.11.4.6 and Schedule C:  Schedule D1:	<b>Oppose</b> It is appropriate that Schedule C apply to all activities in the Whangamarino Wetland catchment.  <b>Oppose</b> the request to remove the word “Ephemeral” in the reference in Schedule D1, Part D 5(e) (“ <i>Ephemeral waterbodies that are not otherwise required to be permanently fenced that have water in them during grazing are temporarily fenced to exclude stock.</i> ”)
ENV-2020-AKL-000090 Waikato River Authority v Waikato Regional Council	Method 3.11.3.1 Table 3.11.1(d):	Fish & Game <b>supports</b> including short-term water quality limits in respect of all lakes in order to provide certainty that water quality in lakes will not degrade further over a 10 year timeframe. Agree It would be more appropriate to explicitly identify all lakes and prioritise these based on more refined

		categorisation. Lakes are vulnerable and it is difficult to restore lakes once they have 'flipped' or collapsed.
ENV-2020-AKL-000091 Hamilton City Council v Waikato Regional Council	Definition of "Point Source Discharge":	<b>Oppose</b> Care should be taken that excluding 'culverts' from the definition of "point source discharge" does not lead to unintended consequences.
ENV-2020-AKL-000092 South Waikato District Council v Waikato	Policy 12:	<b>Oppose</b> The amendments sought to the offsetting/compensation part of this Policy do not reflect best practice/ offsetting and compensation methodology.
ENV-2020-AKL-000093 Ballance Agri-Nutrients Limited v Waikato Regional Council	Schedule C:	<b>Oppose</b> The changes sought would not give effect to Te Ture Whaimana or Te Mana o Te Wai.
ENV-2020-AKL-000095 Mercury NZ Limited v Waikato Regional	Policy 11:	<b>Oppose</b> It is entirely appropriate that Policy 11 is "subject to" policies 12 and 13.
ENV-2020-AKL-000098 Wairakei Pastoral Limited v Waikato Regional Council	All provisions	<b>Oppose</b> The appeal does not recognise the linkages between catchments: Policy 3 NPSFM 2020. The relief sought will not give effect to Te Ture Whaimana and Te Mana o te Wai.
ENV-2020-AKL-000099 Beef & Lamb New Zealand Limited v Waikato Regional Council	Policy 16 and Rule 3.11.4.6:	<b>Oppose</b> Fish & Game does not agree a permitted activity rule for low intensity farming activities is appropriate for the Whangamarino Wetland Catchment due to its sensitivity.
ENV-2020-AKL-000100 Waikato and Waipa River Iwi v Waikato Regional Council	3.11.4.1 and 3.11.4.3	<b>Support</b> re-calibrating stock unit thresholds down, to ensure more farms are required to prepare an FEP in conformance with Schedule D1 (Part D) and D2 (Part D) respectively.  <b>Support</b> the new clauses sought for rule 3.11.4.3(7) to read: b. where 3A(ii) applies, provide evidence to demonstrate the Nitrogen

	<p>3.11.4.5:</p> <p>Schedule C:</p>	<p>Leaching Loss Rate for the property is Low in Table 1 of Schedule B(B); and</p> <p>c. demonstrates a general improvement in farming practice to reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens; and</p> <p>d. demonstrates what farming practices will be actioned to reduce diffuse discharges of the contaminant(s) of priority for the relevant subcatchment set out in Table 3.11-2.</p> <p><b>Support</b> new clauses in rule 3.11.4.5(5)(b) to read:</p> <p>iii. demonstrating a general improvement in farming practice to reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens; and</p> <p>iv. demonstrating the farming practices will be actioned to reduce diffuse discharges of the contaminant(s) of priority for the relevant subcatchment set out in Table 3.11-2.</p> <p><b>Support</b> the recalibrations of stocking rates sought.</p>
<p>ENV-2020-AKL-000102 Federated Farmers of New Zealand Incorporated v Waikato Regional Council</p>	<p>All provisions</p>	<p><b>Oppose</b> The relief sought will not give effect to Te Ture Whaimana and Te Mana o te Wai.</p> <p>To suggest that farmers are being ‘penalised’ due to the effects of pest fish, for the Whangamarino wetland and other sites, fails to acknowledge the role of farming practices.</p>

**Address for service:**

Ben Wilson

Auckland/Waikato Fish and Game Council

156 Bryner Road

RD9, Hamilton 3289

Email: [bwilson@fishandgame.org.nz](mailto:bwilson@fishandgame.org.nz) Phone: (07) 849 1666