

BEFORE THE ENVIRONMENT COURT

ENV-2020-AKL-000100

AT AUCKLAND

I MUA I TE KOOTI TAIAO

I TAMAKI MAKAUROA ROHE

IN THE MATTER

of an appeal under clause 14
of Schedule 1 of the Resource
Management Act 1991

BETWEEN

**WAIKATO RAUPATU
RIVER TRUST,
RAUKAWA CHARITABLE
TRUST, TE ARAWA RIVER
IWI TRUST,
TŪWHARETOA MĀORI
TRUST BOARD AND
MANIAPOTO MĀORI
TRUST BOARD
("WAIKATO AND WAIPĀ
RIVER IWI")
*Appellant***

AND

**WAIKATO REGIONAL
COUNCIL
*Respondent***

**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS BY THE
DIRECTOR-GENERAL OF CONSERVATION**

Dated: 29 September 2020

Department of Conservation

Solicitor/Counsel acting: V Tumai/ D van Mierlo

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Notice of person's wish to be a party to proceedings

Section 274 Resource Management Act 1991

To: The Registrar
Environment Court
AUCKLAND

1. The **Director-General of Conservation** (the **Director-General**) wishes to be a party to the following proceedings:
 - 1.1. Waikato Raupatu River Trust, Raukawa Charitable Trust, Te Arawa River Iwi Trust, Tūwharetoa Māori Trust Board and Maniapoto Māori Trust Board (“Waikato And Waipā River Iwi”) v Waikato Regional Council, ENV-2020-AKL- 000100.
2. The Director-General made submissions and appeared at the Council hearing on the Proposed Plan Change 1 to the Waikato Regional Plan (PC1). The Director-General also has an interest in the proceedings that is greater than the interest the general public has, specifically regarding conservation values and the implementation of the New Zealand Coastal Policy Statement (NZCPS).
3. The Director-General is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (RMA).
4. The Director-General is interested in all of the proceedings.
5. The Director-General is particularly interested in the following issues:
 - 5.1. Policy 2
 - 5.2. Rule 3.11.4.1
 - 5.3. Rule 3.11.4.3
 - 5.4. Rule 3.11.4.4
 - 5.5. Rule 3.11.4.5
 - 5.6. Rule 3.11.4.6.
 - 5.7. Rule 3.11.4.7.

- 5.8. Rule 3.11.4.8
- 5.9. Schedule C
- 5.10. Schedule D1
- 5.11. Schedule D2

6. The Director-General **supports or opposes** the relief sought.

Relief Supported

7. The Director-General supports the relief sought as described below because:

- 7.1. Policy 2(b)(ii) – the relief sought by the appellant will ensure that farming land uses with a ‘high’ leaching rate of Nitrogen will not avoid the need to significantly reduce their leaching rates.
- 7.2. Rule 3.11.4.1 – the relief sought by the appellant will ensure that the stocking rate threshold is appropriate for a permitted activity and will achieve the required 20% improvement in water quality.
- 7.3. Rule 3.11.4.3 – subject to paragraph 8, the relief sought by the appellant will ensure that the stocking rate threshold is more likely to achieve the required water quality improvements.
- 7.4. Rule 3.11.4.4 – subject to paragraph 8, the relief sought by the appellant clearly demonstrates a requirement to make a general improvement in farming as required by the policy framework and is more likely to achieve required water quality outcomes.
- 7.5. Rule 3.11.4.5 - subject to paragraph 8, the relief sought by the appellant clearly demonstrates a requirement to make a general improvement in farming as required by the policy framework and is more likely to achieve required water quality outcomes.
- 7.6. Rule 3.11.4.6 – subject to paragraph 8, the relief sought by the appellant clearly demonstrates a requirement to make a general improvement in farming as required by the policy framework and is more likely to achieve required water quality outcomes.

- 7.7. Rule 3.11.4.7 – subject to paragraph 8, the relief sought by the appellant clearly demonstrates a requirement to make a general improvement in farming practices as required by the policy framework and is more likely to achieve required water quality outcomes.
- 7.8. Rule 3.11.4.8 – subject to paragraph 8, the relief sought by the appellant clearly demonstrates a requirement to make a general improvement in farming practices as required by the policy framework and is more likely to achieve required water quality outcomes. The Director-General is supportive of the recalibration of table 1 to identify a maximum area limit of 716ha and the addition of new clauses iii and iv.
- 7.9. Schedule C – the relief sought will ensure that stock are excluded from more water bodies, which is particularly important in hill country areas.
- 7.10. Schedule D1 – The Director-General supports the relief of the appellant and considers that the reliance upon Farm Environment Plans justifies modelling to confirm the effectiveness of these methods.
- 7.11. Schedule D2 – The Director-General supports the relief of the appellant and considers that given the reliance upon Farm Environment Plans, modelling to confirm the effectiveness of these methods is justified.

Relief Opposed

8. The Director-General opposes the relief sought as described below because:
 - 8.1. Rules 3.11.4.3 – 3.11.4.8 - The Director-General opposes the relief seeking to include references to Table 3.11-2. The Director-General is seeking through his appeal that this table and all references to it be deleted.
9. The Director-General agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Dean van Mierlo
Counsel for the Director-General

29 September 2020

Address for service of person wishing to be a party:

Director-General of Conservation

Department of Conservation
18 Manners Street, Wellington 6011

Contact persons

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And

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And

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Advice

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