

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2020-AKL-

I MUA I TE KOOTI TAIAO

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of appeals under clause 14(1) of the First Schedule
of the Act in relation to Waikato Regional Plan
Change 1

BETWEEN **THE APPELLANTS LISTED IN PARAGRAPH 1**
Appellant

AND **WAIKATO REGIONAL COUNCIL**
Respondent

SECTION 274 NOTICE BY THE ROYAL FOREST AND BIRD PROTECTION SOCIETY

OF NEW ZEALAND INCORPORATED

28 August 2020

Royal Forest and Bird Protection Society of New Zealand Inc.
PO Box 2516
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Ph 03 9405525
Solicitor acting: William Jennings

SECTION 274 NOTICE

TO: The Registrar
Environment Court
AUCKLAND

1. The Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird) wishes to be a party to the following appeals in respect of the Waikato Regional Council's ("WRC") decision on Waikato Regional Council's Plan Change 1 ("PC1"):
 - a. Director-General of Conservation v WRC (ENV-2020-AKL-000096);
 - b. Auckland Waikato and Eastern Fish and Game Council v WRC (ENV-2020-AKL-000101);
 - c. Fonterra Co-operative Group Ltd v WRC (ENV-2020-AKL-000084);
 - d. Horticulture New Zealand v WRC (ENV-2020-AKL-000087)
 - e. Iwi of Hauraki v WRC (ENV-2020-AKL-000088)
 - f. Waikato River Authority v WRC (ENV-2020-AKL-000090)
 - g. Ballance Agri-Nutrients Limited v WRC (ENV-2020-AKL-000093)
 - h. Mercury NZ Limited v WRC (ENV-2020-AKL-000095)
 - i. DairyNZ Limited v WRC (ENV-2020-AKL-000097)
 - j. Beef & Lamb New Zealand Limited v WRC (ENV-2020-AKL-000099)
 - k. Federated Farmers of New Zealand Incorporated v WRC (ENV-2020-AKL-000102)
 - l. Waikato and Waipa River Iwi v WRC (ENV-2020-AKL-000100)
 - m. Wairakei Pastoral Limited v WRC (ENV-2020-AKL-000098)
 - n. South Waikato District Council v WRC (ENV-2020-AKL-000092)
 - o. Hamilton City Council v WRC (ENV-2020-AKL-000091)
 - p. Taupo District Council v WRC (ENV-2020-AKL-000086)
 - q. Waipa District Council v WRC (ENV-2020-AKL-000085)

2. Forest and Bird:
 - a. made a submission and further submissions on PC1; or
 - b. has an interest greater than the public generally as an incorporated society with a well known role in the protection of indigenous biodiversity (see *Marlborough District Council v Burkhart Fisheries Ltd* [2018] NZEnvC 26 at [31]); or
 - c. Both.
3. Forest and Bird is not a trade competitor for the purposes of section 308C or 308D of the Resource Management Act 1991.
4. Forest and Bird's interest, position and reasons are set out in Table 1 below.
5. Forest and Bird agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 28 August 2020



William Jennings
Counsel for Royal Forest and Bird Protection Society of New Zealand Inc.

Address for service of person wishing to be a party:

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Advice

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

Table 1 – Details of section 274 party interest

Appellant	Provision	Oppose/ Support¹	Reasons
Director General of Conservation	All parts of the appeal	Support	The amendments sought provide for protection and maintenance of ecosystem health and indigenous biodiversity; are more consistent with best practice biodiversity offsetting; and give effect to the RPS, NPS-FM, NZCPS and Part 2 of the RMA.
Auckland / Waikato Fish And Game and Eastern Region Fish and Game	All parts of appeal	Support	The amendments sought give effect to the NPS FM, the NZCPS, the RPS and Part 2 of the RMA Forest & Bird supports the submission other than where the amendments seek outcomes for exotic species and this is not to the benefit of indigenous species or enhancement of indigenous biodiversity or ecosystem health.
Fonterra	All parts of the appeal	Oppose in general but support some of the Policy relief except references to offsetting	Does not promote the purpose and principles of the RMA Relief for Policies 3 and 10 does provide consistency amongst different types of farming
Horticulture NZ	Policies 3, and 6 Rule 3.11.4.5 Rule 3.11.4.8 Schedules A1; C; D1, Part C, Clause 2; D1 Part A; D1, Part E and F; D2 Part A; d2 Part E and F	Generally oppose	Does not give effect to the RMA and NPSFM.

¹ Opposition or support is qualified by Forest & Bird's appeal and where there is an inconsistency between the Forest & Bird appeal and the opposition or support in the s 274 notices, the appeal prevails.

Iwi of Hauraki	Notified version policy 7 (c)	oppose	The amendment sought does not give effect to the NPS FM, the NZCPS, the RPS and Part 2 of the RMA
Waikato River Authority	Schedule C	Support	The amendments sought give effect to the NPS FM, the NZCPS, the RPS and Part 2 of the RMA
Ballance Agri-Nutrients Limited	All parts of the appeal	Generally oppose, but support the request for clarity around how new versions of Overseer are captured	Does not give effect to the purpose and principles of the RMA and NPSFM. Some relief might be warranted for how future versions of Overseer are captured in nutrient leaching assessments
Mercury NZ Limited	Policy 11	Oppose	Does not give effect to the purpose and principles of the RMA and NPSFM. Dams and diversions should still be subject to requirements for water quality standards.
Dairy NZ Ltd	Policies 1, 2, 3 All rules and schedules	Oppose Policies and generally support rules	Policies do not give effect to the purpose and principles of the RMA and NPSFM
Beef & Lamb New Zealand Limited	All parts of the appeal	Oppose	Does not give effect to the purpose and principles of the RMA and NPSFM
Federated Farmers of New Zealand Incorporated	All parts of the appeal	Oppose	Does not give effect to the purpose and principles of the RMA and NPSFM
Waikato and Waipa River Iwi	All parts of the appeal except tables	Support in general but oppose where the amendments sought might promote	The amendments sought generally give effect to the NPS FM, the NZCPS, the RPS and Part 2 of the RMA

		land use intensification	
Wairakei Pastoral Limited	All parts of the appeal	Generally oppose	Does not give effect to the purpose and principles of the RMA and NPSFM
South Waikato District Council	All parts of the appeal	Oppose	Does not give effect to the purpose and principles of the RMA and NPSFM
Hamilton City Council	Objective 1, Policies general	Generally oppose but support some clarity around infrastructure wetlands	Does not give effect to the purpose and principles of the RMA and NPSFM
Taupo District Council	All parts of the appeal	Oppose	Does not give effect to the purpose and principles of the RMA and NPSFM
Waipa District Council	All parts of the appeal	Oppose	Does not give effect to the purpose and principles of the RMA and NPSFM