

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2020-AKL-000098

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU 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 **WAIRAKEI PASTORAL 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 28th 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 *Wairakei Pastoral Limited v Waikato Regional Council* ENV-2020-AKL-000098 (“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 (objectives of PC1).
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, specifically:
 - (a) Objective 2; and
 - (b) Policy 7.
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 is paraphrased in this notice.

Objective 2

7. The Appeal on Objective 2 seeks to delete the target of achieving the short-term water quality values within 10 years of PC1 becoming operative.
8. SWDC supports in part the relief sought by the Appellant for Objective 2 and Table 3.11-1 for the following reasons:

- (a) The short-term targets to achieve Objective 1, including the move to 20% of the improvement required in the decision, do not adequately consider the effects of 'lag' periods for some of the four contaminants.
- (b) It is uncertain whether the policy mix of the decisions version of PC1 will achieve the targets set in Objective 2 and Table 3.11-1, within the timeframe identified.
- (c) The impact of the requirement to achieve the 20% improvement in water quality in the first ten years is uncertain and potentially significant because its effects on the community and its well-being has not been carried out.
- (d) It is most appropriate (i.e., practical/pragmatic and achievable) for all proposed actions to be implemented and in place to achieve Objective 2 targets.

Policy 7

- 9. The Appeal against Objective 3 seeks its deletion and replacement with a policy that requires the duration of consent to reflect the investment in infrastructure, the quality and effectiveness of the consent holders FEP, the progress towards the short term numeric water quality values, and the possibility of a replacement plan and or a new allocation regime.
- 10. SWDC supports the relief sought by the Appellant for the following reasons:
 - (a) For the reasons given in the Notice of Appeal;
 - (b) Policy 7 is unnecessary because the regulatory mechanisms are already available to review the appropriateness of consent conditions under the Act;

- (c) There is a likelihood that a common expiry date could result in a critical spike in resourcing requirements for Waikato Regional Council which is unrealistic; and
- (d) The reference to an allocation regime is speculative, unnecessary and inappropriate.

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

DATED this 28th day of September 2020



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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: bcarruthers@shortlandchambers.co.nz

Advice

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