

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
I TE KOOTI TAIAO O AOTEAROA**

ENV-2020-AKL-000101

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under clause 14 of Schedule 1 to the Act against the decision of the Waikato Regional Council on Proposed Plan Change 1 to the Waikato Regional Plan

BETWEEN

AUCKLAND/WAIKATO AND EASTERN FISH AND GAME COUNCILS

Appellant

AND

WAIKATO REGIONAL COUNCIL

Respondent

**NOTICE OF TAUPO DISTRICT COUNCIL'S WISH TO BE A PARTY TO
PROCEEDINGS**

Dated 29 September 2020

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To: The Registrar
Environment Court
Auckland

1. Taupo District Council (**TDC**) wishes to be a party to these proceedings, being ENV-2020-AKL-000101 *Auckland/Waikato and Eastern Fish and Game Councils v Waikato Regional Council* (**Appeal**).
2. TDC made a submission about the subject matter of the Appeal and, as a local authority, has an interest in the Appeal that is greater than the interest that the general public has.
3. TDC is not a trade competitor for the purposes of sections 308C or 308CA of the Resource Management Act 1991 (**RMA**).
4. TDC is interested in those parts of the Appeal relating to:
 - a) Objective 1 – Te Whaingā 1;
 - b) Objective 2 (Freshwater Objective) – Te Whaingā 2 (Te Whaingā Wai Maori);
 - c) Objective 3 – Te Whaingā 3;
 - d) Policy 3 – Te Kaupapa Here 3;
 - e) Policy 5 – Te Kaupapa Here 5;
 - f) Policy 11 – Te Kaupapa Here 11;

- g) Policy 12 – Te Kaupapa Here 12;
- h) Policy 13 – Te Kaupapa Here 13;
- i) Policy 14 – Te Kaupapa Here 14;
- j) Policy 16 – Te Kaupapa Here 16;
- k) Policy 17 – Te Kaupapa Here 17;
- l) Policy 19 – Te Kaupapa Here 19;
- m) Rule 9; and
- n) Table 3.11-2.

5. TDC is interested in the following particular issues:

- a) The inclusion of additional attributes;
- b) Offset and compensation measures;
- c) Provision for reasonable mixing; and
- d) Requirements to restore and protect wetlands.

6. TDC opposes the relief sought by the appellant for the following reasons:

Objectives 1, 2 and 3

- a) The proposed amendments to include reference to “other contaminants” is outside the scope of Plan Change 1 (**PC1**). Further, the reference is too broad and, if introduced, creates significant uncertainty. However, TDC does support reinserting the reference to attribute states for certainty and measurability of the outcome sought.

Policies 3, 11, 16 and 19

- b) The proposed amendments to include reference to “other contaminants” is outside the scope of PC1. Further, the reference is too broad and, if introduced, creates significant uncertainty.

Policy 5

- c) Requiring net benefits would significantly impact on both diffuse and point source discharges and may mean that Objective 3 cannot be achieved.

Policy 11

- d) The proposed amendment to include reference to “contaminants, including” is outside the scope of PC1. Further, the reference is too broad and, if introduced, creates uncertainty.

Policy 12

- e) The proposed amendments are outside the scope of PC1. Even if determined to be within scope, the proposed amendments would

have significant implications for councils and may mean that Objective 3 cannot be achieved. Further, the proposed amendments create additional barriers to point source discharges and increase costs.

Policy 14

- f) TDC opposes the amendments that would restrict consent duration to 2035. Such a term is unrealistic for Regionally Significant Infrastructure and would not give effect to the Regional Policy Statement. The benefit and achievability of a “straight line” progression is questionable. The focus should be on long term achievement.

Policy 17

- g) This policy could be applied in a manner that could undermine the efficient and effective management and operation of infrastructure wetlands. TDC seeks to ensure that artificial and infrastructure wetlands are excluded from this Policy.

Rule 9

- h) TDC is interested in the proposed amendments insofar as they have implications for Regionally Significant Infrastructure.

Table 3:11-2

- i) The relief sought is outside the scope of PC1.

7. In relation to the matters addressed in paragraph 6 above, TDC opposes any consequential relief to the extent that it is inconsistent with the outcomes sought in its appeal.
8. TDC supports the relief sought by the appellant in relation to Policy 13, in part, for the following reasons:

Policy 13

- a) Clarity is required for the terms 'high water quality' and 'high level of contaminant reduction' to aid in the implementation of Chapter 3.11.
9. In relation to the matter addressed in paragraph 8 above, TDC supports any consequential relief to the extent that it is consistent with the outcomes sought in its appeal.
 10. TDC agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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L F Muldowney / S K Thomas
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Dated 29 September 2020

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Advice

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