

IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2020-AKL-000085

I MUA I TE KOOTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU

IN THE MATTER of the Resource Management Act 1991

A N D

IN THE MATTER of an appeal pursuant to clause 14(1) of the First
Schedule of the Act

BETWEEN WAIPĀ DISTRICT COUNCIL

Appellant

A N D WAIKATO REGIONAL COUNCIL

Respondent

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274 Resource Management Act 1991

29 September 2020



**FEDERATED
FARMERS**
OF NEW ZEALAND

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To: The Registrar
Environment Court
Auckland

Federated Farmers of New Zealand Inc ("**Federated Farmers**") wishes to be a party to the following proceedings:

Waipā District Council v Waikato Regional Council
ENV-2020-AKL-000085

Federated Farmers made a submission about the subject matter of the proceedings.

Federated Farmers is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

Federated Farmers is interested in all of the proceedings.

1. Federated Farmers represents farmers in the Waikato and Waipā Rivers Catchment.
2. Federated Farmers has appealed the decision to on Proposed Waikato Regional Council Plan Change 1 – Waikato and Waipā River Catchments ("**PC1**"), as amended by the Hearing Panel, in its entirety, i.e. the decision as it relates to the introduction and all of the objectives, policies, methods, rules, definitions and schedules.
3. Federated Farmers supports sustainable management of resources and the use of regulatory and non-regulatory measures to maintain or enhance water quality, and to restore and protect the health and wellbeing of the Waikato and Waipā Rivers. However, Federated Farmers considers that the regulatory and non-regulatory methods proposed in PC1 do not appropriately give effect to the relevant higher order documents, have not appropriately balanced environmental, economic, social and cultural considerations, and are not the most efficient and effective means of achieving the objective of the plan change.
4. Federated Farmers is interested in all the issues raised by the Appellant.
5. Federated Farmers supports in part and opposes in part the relief sought by the Appellant.

6. Without limiting the generality of the above, an explanation of the issues that Federated Farmers has particular interest in is set out in **Appendix A**.

7. Federated Farmers agrees to participate in mediation or other alternative dispute resolution of the proceedings.



N J Edwards / L F Jeffries

Counsel for Federated Farmers

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APPENDIX A

Provision Appealed	Reasons for Appeal	Relief Sought by Appellant	Support/Oppose	Reason
Objectives				
Objective 3	<p>Objective 3 refers to “Waikato and Waipā communities being assisted to provide for their...”</p> <p>The word “assisted” should be replaced with “enabled” as that is consistent with the wording of section 5 of the Resource Management Act 1991.</p>	<p>Amend Objective 3 as follows: Waikato and Waipā communities are assisted <u>enabled</u> to provide for their social, economic, spiritual and cultural wellbeing through staging the reduction of the discharges of nitrogen, phosphorus, sediment and microbial pathogens necessary to restore and protect the health and wellbeing of the Waikato and Waipā river catchments, and by the encouragement of collective community action for that purpose.</p>	Support	The wording proposed by the Appellant better reflects the wording of section 5 of the Resource Management Act 1991.
Policies				
Policy 19	<p>Policy 19 applies when “managing” resource consent applications. It provides for opportunities to be sought to enhance biodiversity, the functioning of ecosystems, and to enhance access and recreational values.</p> <p>The Appellant considers that it is unclear what “managing” means and who it applies to.</p> <p>Applicants will be required to implement the BPO and offset / compensate for residual adverse effects. It is unclear how this policy would work in practice or what processing officers might seek in addition to implementing the BPO and offsetting / compensating for residual adverse effects.</p>	Delete Policy 19	Support	Federated Farmers considers that the matters addressed in Policy 19 are outside the scope of the plan change and therefore the policy ought to be deleted.

	In light of the above, the Appellants consider Policy 19 should be deleted.			
Tables				
Table 3.11.1: Short-term water quality attribute states and 80-year attribute states for the Waikato and Waipā River catchments/ Te Ripanga 3.11-1: Ngā āhuatanga ā-kounga wai o ngā riu o ngā awa o Waikato me Waipā i ngā taupoto, i ngā tau e 80 anō hoki.	<p>Explanatory Note The explanatory note to Table 3.11-1 refers to determining achievement of the attribute states in Table 3.11-1 through “analysis of 5-yearly monitoring data.”</p> <p>Footnotes Footnotes 7 and 8 to Table 3.11-1 relate to compliance with maximum and median ammonia targets but do not specify the pH and temperature.</p>	<p>Explanatory Note The Appellant seeks an amendment to the explanatory note to Table 3.11-1 so that the analysis is based on “analysis of <u>rolling</u> 5-yearly monitoring data.”</p> <p>Footnotes The annual median and annual maximum ammonia <u>have been adjusted for pH are based on pH8 and temperature of 20°C</u></p>	Support in part	Federated Farmers is interested in this appeal point so as to ensure that any outcomes are consistent with the outcomes sought in Federated Farmers’ appeal.
Other matters				
Short term reduction target	The Appellant considers that it is likely to be technologically very difficult for point source discharges such as wastewater treatment plants to achieve the 10% reduction required by PC1 as notified. It is doubtful whether achieving a 20% reduction in current contaminant loads in 10 years is technically feasible; if it is, very significant expenditure on wastewater treatment plant upgrades would be required, which would place a significant and unwarranted financial burden on Waipā District ratepayers.	The Appellant opposes the increase in the short-term reduction target from 10% to 20% and seeks the relative amendments to reflect this.	Support	Federated Farmers considers a 20% reduction to be unrealistic and unachievable, will likely impose significant cost (without providing an appropriate transition or pathway), and has not been the subject of a section 32 or 32AA assessment. According Federated Farmers considers that PC1 should be amended to reflect a 10% reduction.