

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

ENV-2020-AKL-000085

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

WAIPA DISTRICT COUNCIL

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-000085 *Waipa District Council 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) General - References to a 20% reduction in contaminant loads in the first 10 years.
 - b) Objective 3 – Te Whaingā 3;
 - c) Policy 12 – Te Kaupapa Here 12;
 - d) Policy 13 – Te Kaupapa Here 13;
 - e) Policy 19 – Te Kaupapa Here 19;
 - f) Method 3.11.3.3 - Accounting system and monitoring/Te pūnaha kaute me te aroturuki.

5. TDC is interested in the following particular issues:

- a) Short-term reduction targets;
- b) Community wellbeing;
- c) The inclusion of additional attributes;
- d) Offset and compensation measures;
- e) Recognition of Reasonably Significant Infrastructure; and
- f) Provision for reasonable mixing.

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

General

- a) The Decisions Version of Plan Change 1 has increased the short-term targets for the reduction of contaminants from 10% to 20%. TDC agrees that achieving a 20% reduction in current contaminant loads in 10 years is not likely to be technically feasible. Significant expenditure on wastewater treatment plant upgrades would be required.

Objective 3

- b) Objective 3 fails to enable communities to provide for their social and economic well-being, including productive economic opportunities, while managing limits in a manner consistent with the National Policy

Statement for Freshwater Management. More directive language would provide greater support for the socio-economic wellbeing of the community.

Policy 12

- c) Clarity is required in the Policy to be clear that the provisions do not require that any and all inputs from point source discharges are required to be offset. It is appropriate that only 'significant' effects are mitigated, and only insofar as they fail to meet the long-term targets. It is appropriate for considerations such as staging and reasonable mixing to be included in Policy 12 to determine whether any significant residual adverse effects then need to be offset or compensated.

Policy 13

- d) TDC agrees that it is likely to be very challenging for the short-term water quality targets in Table 3.11-1 to be met at the end of the discharge pipe. The duration of resource consents for wastewater treatment plants frequently exceeds 10 years. TDC shares the concern that, if a 25-year consent duration was sought, processing officers might take the view that reasonable mixing is acceptable for the first 10 years but not thereafter. As a result, the water quality targets in Table 3.11-1 would have to be met at the end of the discharge pipe for the following 15 years. That may not be achievable and would require expensive upgrades to wastewater treatment plants, which would place a significant financial burden on ratepayers, thereby not achieving Objective 3.

Policy 19

- e) The Policy is vague, and its meaning and effect is unclear in respect of consenting discharges, particularly if offsetting is utilised as set out in Policy 12.

Method 3.11.3.3

- f) The provision should require that owners and operators of Regionally Significant Infrastructure be consulted regarding the location of monitoring in relation to point source discharges to ensure that the location of sites chosen for monitoring are not located in a way that could unfairly restrict the operations of Regionally Significant Infrastructure.
7. TDC supports any consequential relief to the extent that it is consistent with the outcomes sought in its appeal.
 8. TDC agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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L F Muldowney / S K Thomas
Counsel for Taupo District Council

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.