

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
AUCKLAND REGISTRY**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
TĀMAKI MAKAURAU ROHE**

**ENV-2020-AKL-000086**

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** an appeal under clause 14(1) of Schedule 1 of  
the Resource Management Act 1991

**BETWEEN** **TAUPO DISTRICT COUNCIL**  
Appellant

**AND** **WAIKATO REGIONAL COUNCIL**  
Respondent

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**NOTICE OF WAIKATO RIVER AUTHORITY UNDER SECTION 274 OF THE  
RESOURCE MANAGEMENT ACT 1991**

**29 SEPTEMBER 2020**

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**BUDDLEFINDLAY**  
Barristers and Solicitors  
Wellington

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To: The Registrar  
The Environment Court  
Auckland

1. Waikato River Authority (“**WRA**”) wishes to be a party to the appeal proceedings lodged by Taupo District Council (“**the Appellant**”) in respect of the decisions on Proposed Plan Change 1 (“**PPC1**”) to the Waikato Regional Plan, which were publicly notified on 22 April 2020 (“**the Decisions Version**”).
2. The WRA is the statutory body formed under the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, the Ngati Tuwharetoa, Raukawa, and Te Arawa River Iwi Waikato River Act 2010, and with additional responsibilities arising under the Nga Wai o Maniapoto (Waipa River) Act 2012.
3. As part of its statutory function, WRA sets the primary direction, through the Vision and Strategy / Te Ture Whaimana o Te Awa o Waikato (“**Te Ture Whaimana**”), to achieve the restoration of the health and wellbeing of the Waikato River for future generations. In particular, a key function of WRA is to engage with, and provide advice to, local authorities on amending Resource Management Act 1991 (“**RMA**”) planning documents to give effect to Te Ture Whaimana.<sup>1</sup> Accordingly, WRA has an interest in the proceedings that is greater than the interest that the general public has.
4. WRA also made a submission about the subject matter of the proceedings.<sup>2</sup> WRA's submissions generally supported the notified provisions in PPC1, or sought strengthening of provisions, that ensured water quality targets would be met within an 80-year timeframe and that gave effect to Te Ture Whaimana.
5. WRA is not a trade competitor for the purposes of section 308C and 308CA of the RMA.

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<sup>1</sup> Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, s23(2)(a).

<sup>2</sup> WRA made a submission on PPC1 on 2 March 2017 and a submission on Variation 1 to PPC1 on 21 May 2018. WRA made a further submission on 17 September 2018. WRA presented evidence to the Independent Hearing Commissioners on a range of matters raised in its submission(s) on 13 March 2019.

6. WRA has filed its own appeal that identifies provisions in the Decisions Version that do not give effect to Te Ture Whaimana, but otherwise is supportive of the Decisions Version as notified.<sup>3</sup>
7. WRA is interested in all of the proceedings, in particular:
  - (a) proposed amendments to Policy 12;
  - (b) proposed amendments to Policy 13;
  - (c) proposed amendments to Policy 14; and
  - (d) proposed amendment to definition of “Regionally Significant Infrastructure”.
8. In respect of the relief sought by the Appellant, WRA:
  - (a) opposes the relief sought by the Appellant in respect of Policy 12 on the basis that the amendments sought:
    - (i) allow staging of offsetting or compensation activities over the duration of a consent; and
    - (ii) generally, would lessen the strength of this policy which, as set out in the Decisions Version, ensures that residual effects are offset or compensated in accordance with section 104 of the RMA, short-term water quality targets can be achieved and gives effect to Te Ture Whaimana;
  - (b) opposes the relief sought by the Appellant to amend Policy 13 on the basis that the amendments sought would weaken this policy which, as set out in the Decisions Version, provides that reasonable mixing may be appropriate as a “transitional measure” reflecting that high levels of treatment for point source discharges will be required to achieve the 80 year water quality targets and gives effect to Te Ture Whaimana;
  - (c) opposes the relief sought by the Appellant in respect of Policy 14 on the basis that the amendment sought will specify that a 35-year consent term will generally apply for Regionally Significant

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<sup>3</sup> ENV-2020-AKL-000090. To avoid doubt, where WRA opposes aspects of the Appellant's appeal on the basis that the Decisions Version gives effect to Te Ture Whaimana, that is subject to any challenges to the relevant provision that WRA has raised in its own appeal.

Infrastructure, however consent term should be considered on a case by case basis and not specified; and

- (d) opposes the relief sought by the Appellant in respect of the definition of “Regionally Significant Infrastructure” as this will expand the definition to include municipal stormwater systems.

9. In addition, WRA:

- (a) supports any other similar or consequential relief arising from this appeal that gives effect to Te Ture Whaimana and the relief sought in WRA’s notice of appeal; and
- (b) opposes any other similar or consequential relief arising from this appeal that does not give effect to Te Ture Whaimana and the relief sought in WRA’s notice of appeal.

10. WRA agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**WRA** by its solicitors and authorised agents  
Buddle Findlay:



**Signature:**

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P T Beverley / C E Bulow

**Date:**

29 September 2020

**Address for Service:**

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Level 17, Aon Centre  
1 Willis Street  
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Service may also be effected by:

- (a) posting it to the solicitor at PO Box 2694, Wellington; or
- (b) leaving it for the solicitor at a document exchange for direction to DX SP20201, Wellington; or
- (c) emailing it to the solicitor at [paul.beverley@buddlefindlay.com](mailto:paul.beverley@buddlefindlay.com).

**Telephone:**

(04) 499 4242

**TO:** The Registrar of the Environment Court at Auckland

**AND TO:** The Appellant

**AND TO:** Waikato Regional Council