

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

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

**ENV-2020-AKL-000087**

**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** **HORTICULTURE NEW ZEALAND**  
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

Solicitors Acting: **Paul Beverley / Cerridwen Bulow**  
Email: [paul.beverley@buddlefindlay.com](mailto:paul.beverley@buddlefindlay.com) / [cerridwen.bulow@buddlefindlay.com](mailto:cerridwen.bulow@buddlefindlay.com)  
Tel 64-4-499 4242 Fax 64-4-499 4141 PO Box 2694 DX SP20201 Wellington 6140

To: The Registrar  
The Environment Court  
Auckland

1. Waikato River Authority ("**WRA**") wishes to be a party to the appeal proceedings lodged by Horticulture New Zealand ("**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 Policies 3 and 6;
  - (b) proposed amendments to Method 3.11.3.5;
  - (c) proposed amendments to Rule 3.11.4.8; and
  - (d) amendments to Schedules C and D1.
8. In respect of the relief sought by the Appellant, WRA:
  - (a) opposes the relief sought by the Appellant in respect of Policy 3, on the basis that the amendment sought will weaken the requirement to offset or compensate and does not give effect to Te Ture Whaimana;
  - (b) opposes the relief sought by the Appellant in respect of Policy 6, Method 3.11.3.5 and Schedule D1, on the basis that these amendments sought may result in a less robust certification process than is currently provided for in the Decisions Version;
  - (c) opposes the relief sought by the Appellant in respect of Rule 3.11.4.8, on the basis that the amendment sought may increase land available for crop reduction and may weaken the provisions of PPC1 and does not give effect to Te Ture Whaimana; and
  - (d) opposes the relief sought by the Appellant in respect of Schedule C to exclude commercial vegetable production and the 5-metre setback requirement, on the basis that this would weaken the intent of this requirement and the ability to protect waterways, particularly lakes and wetlands, and does not give effect to Te Ture Whaimana.
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

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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.

- (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:** P T Beverley / C E Bulow

**Date:** 29 September 2020

**Address for Service:** Buddle Findlay  
Level 17, Aon Centre  
1 Willis Street  
Wellington 6011

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