

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2020-AKL-000091

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

IN THE MATTER of the Resource Management Act 1991

AND

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

BETWEEN **HAMILTON CITY COUNCIL**

Appellant

AND **WAIKATO REGIONAL COUNCIL**

Respondent

**NOTICE BY SOUTH WAIKATO DISTRICT COUNCIL TO BECOME A PARTY TO
PROCEEDINGS UNDER SECTION 274 OF THE ACT**

Dated 28 September 2020

TOMPKINS | WAKE

Solicitor: Marianne Mackintosh
marianne.mackintosh@tompinkswake.co.nz

Westpac House
430 Victoria Street
PO Box 258
DX GP 20031
Hamilton 3240
New Zealand
Ph: (07) 839 4771
Fax: (07) 839 4913
tompinkswake.co.nz

TO: The Registrar
Environment Court
Auckland

1. **SOUTH WAIKATO DISTRICT COUNCIL** (“SWDC”) gives notice under s 274 of the Resource Management Act 1991 (“the Act”) that it wishes to be a party to these proceedings, being *Hamilton City Council v Waikato Regional Council* ENV-2020-AKL-000091 (“the Appeal”).
2. The Appeal challenges the decision by the Respondent on Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments to the Waikato Regional Plan as amended by Variation 1 (“PC1”).
3. SWDC is a local authority and a person who made a submission about the subject matter of the proceedings, being those provisions of PC1 identified in paragraph 5 below.
4. SWDC is not a trade competitor for the purposes of sections 308C or 308CA of the Act.
5. SWDC is interested in those parts of the Appeal relating to:
 - (a) Objective 1 and Policy 17;
 - (b) Policy 13d;
 - (c) Policy 13i; and
 - (d) Method 3.11.3.2.
6. SWDC’s position on the Appeal and the reasons for that position are set out in respect of each part of the Appeal below. For brevity, the description of the relief sought in the appeal has been paraphrased in this notice.

Objective 1 and Policy 17

7. The Appeal on Objective 1 and Policy 17 seeks the inclusion of a new definition of 'infrastructure wetland' to ensure that these provisions exclude wetlands constructed for infrastructure purposes, as opposed to 'natural wetlands', from the requirements of PC1 for all wetlands to be restored and protected in order to be 'swimmable' and suitable for food gathering.
8. SWDC supports in part the relief sought by the Appellant for the following reasons:
 - (a) Any wetlands constructed as part of infrastructure treatment are not suitable for swimming or food gathering, as a result of their particular function in a given infrastructure system.
 - (b) The effectiveness of infrastructure wetlands to avoid, remedy or mitigate adverse environmental effects may be reduced by allowing swimming or food gathering.
 - (c) The distinctions drawn between two different types of wetlands created as part of different infrastructure systems in the Appeal are arbitrary and meaningless in terms of potential adverse effects and meaning.

Policy 13d

9. The Appeal seeks to clarify that the staging of 'offsets' is included in Policy 13d by the following amendment:
 - d. Whether it is appropriate to stage future mitigation actions or offsets to allow investment costs to be spread over time to contribute to the achievement of the water quality attribute values and states specified above;

10. SWDC supports the relief sought by the Appellant for the reasons given in the Appellant's Notice of Appeal.

Policy 13i

11. The Appeal seeks to amend Policy 13i to provide more certainty for the use of 'reasonable mixing'.
12. SWDC supports in part the relief sought by the Appellant for the reasons given in the Appeal by SWDC (ENV-AKL-2020-000092).

Implementation Method 3.11.3.2

13. The Appeal seeks to amend Method 3.11.3.2 to ensure that sub-catchment scale planning is implemented.
14. SWDC supports the relief sought by the Appellant for the following reasons:
 - (a) For the reasons given in the Appellant's Notice of Appeal; and
 - (b) The methods are not sufficient to adequately meet the objectives of PC1 without method 3.11.4.6, deleted as part of the decision, that directed the Respondent to provide funding for implementation.
15. SWDC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 28th day of September 2020



M Mackintosh / K Dibley

Address for service: C/- Marianne Mackintosh
Westpac House
Level 8,
430 Victoria Street,
Hamilton 3204
PO Box 258
DX GP200031

Telephone: 07 838 6034

Email: Marianne.Mackintosh@tompkinswake.co.nz
Kirsty.Dibley@tompkinswake.co.nz

Contact Person: Marianne Mackintosh / Kirsty Dibley

In accordance with the Environment Court Decision No. [2020] NZEnvC 063 this notice is lodged with the Environment Court at WRC.PC1appeals@justice.govt.nz and served on:

The Council at: PC1Appeals@waikatoregion.govt.nz

The Appellant at: marianne.mackintosh@tompkinswake.co.nz

Lachlan@muldowney.co.nz

Advice

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