

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2020-AKL-000098

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

IN THE MATTER of the Resource Management Act 1991 (the Act)

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 **WAIRAKEI PASTORAL LIMITED**

Appellant

AND **WAIKATO REGIONAL COUNCIL**

Respondent

**NOTICE BY HAMILTON CITY COUNCIL TO BECOME A PARTY TO PROCEEDINGS
UNDER SECTION 274 OF THE ACT**

28 September 2020

TOMPKINS | WAKE

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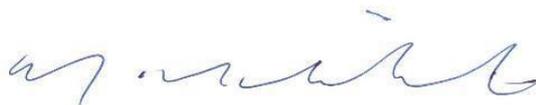
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TO: The Registrar
Environment Court
Auckland

1. **HAMILTON CITY COUNCIL** (“HCC”) gives notice under s 274 of the Act that it wishes to be a party to these proceedings, being *Wairakei Pastoral Limited v Waikato Regional Council* (ENV-2020-AKL-000098).
2. The Appeal challenges the decision by the Respondent on Proposed Waikato Regional Plan Change 1 - Waikato and Waipā River Catchments (“PC1”), “the Decision”.
3. HCC is a local authority and a person who made a submission about the subject matter of the proceedings.
4. HCC is not a trade competitor for the purposes of section 308C or 308CA of the Act.
5. HCC’s interests, positions and reasons in relation to the appeal are set out in Table 1 below.
6. HCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Hamilton this 28th day of September 2020



M Mackintosh / L Muldowney

HCC reference: D-3448816

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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: bcarruthers@shortlandchambers.co.nz

Advice

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

Table 1: Details of HCC’s section 274 party interests

Provision	Relief sought by Appellant	HCC’s position	Reasons
Policy 5	<p>Delete Policy 5 and replace it with the following:</p> <p><i>Provide consent applicants opportunities to offset or compensate residual adverse effects by:</i></p> <p><i>a. A like for like offset to achieve the water quality objectives of Te Ture Whaimana o Te Awa o Waikato when:</i></p> <p><i>i. There is no net increase in a contaminant set out in Table 3.11.2 as a priority for reduction in the sub-catchment in which the property being farmed or land use change is located; and</i></p> <p><i>ii. The measures provide a reduction of the same contaminant.</i></p> <p><i>b. Compensation to achieve the water quality objectives of Te Ture Whaimana o Te Awa o Waikato when:</i></p> <p><i>i. The measures provide a reduction in the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens in the Waikato and Waipā river catchment(s); and</i></p> <p><i>ii. The measures provide positive benefits to the restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers.</i></p> <p><i>c. Compensation in the form of methods to advance achievement of the broader</i></p>	Oppose	<p>1. Whereas Policy 5 in the Decisions Version of PC1 applies to diffuse discharges only, the proposed new Policy 5 would apply to all consent applicants, including those seeking consent for point source discharges.</p> <p>2. The proposed alternative policy could not be implemented, because it requires an offset to achieve the water quality objectives of Te Ture Whaimana - water quality that is safe for swimming and food harvest in the Waikato River and its tributaries. No single consent applicant is going to be able to do that.</p>

Provision	Relief sought by Appellant	HCC's position	Reasons
	<p><i>objectives of Te Ture Whaimana o Te Awa o Waikato including but not limited to:</i></p> <ul style="list-style-type: none"> <i>i. Opportunities to enhance biodiversity and the functioning of ecosystems; and</i> <i>ii. Opportunities to enhance access to and recreational values of the Waikato and Waipā Rivers.</i> <p><i>d. Other compensation to provide significant positive benefits to the restoration and protection of the health and wellbeing of the Waikato and Waipā Rivers.</i></p>		
3.11.6	b. clarify that progress is to be made towards achieving the water quality values rather than the water quality values being achieved within the 10 year timeframe;	Support	Removal of the requirement to achieve the water quality values within the 10-year timeframe would recognise the lag between implementing measures and the effects of the measures being reflected in changed water quality values.
Additions to Glossary of Terms - "Waterbodies"	Para 131 (f): Add a definition of waterbodies using Clause 5 of Schedule C that continues to exclude ephemeral waterbodies	Oppose	The amendment would make "infrastructure wetlands" (wetlands built to treat stormwater and wastewater) subject to provisions in PC1 relating to other water bodies. This could reduce the effectiveness of infrastructure wetlands at contributing to achieving the objectives of PC1.