

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO
TĀMAKI MAKĀURAU ROHE**

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of appeals under Clause 14 of the
First Schedule to the RMA in relation
to the decision of the **WAIKATO
REGIONAL COUNCIL** on
submissions on **PLAN CHANGE 1
(HEALTHY RIVERS)** to the
Waikato Regional Plan

BETWEEN

WAIPA DISTRICT COUNCIL
(ENV-2020-AKL-000085)

TAUPO DISTRICT COUNCIL
(ENV-2020-AKL-000086)

WAIKATO REGIONAL COUNCIL
(ENV-2020-AKL-000089)

HAMILTON CITY COUNCIL
(ENV-2020-AKL-000091)

**SOUTH WAIKATO DISTRICT
COUNCIL**
(ENV-2020-AKL-000092)

Appellants

AND

WAIKATO REGIONAL COUNCIL

Respondent

**NOTICE OF HAURAKI DISTRICT COUNCIL'S WISH TO BE PARTY TO
PROCEEDINGS**

29 SEPTEMBER 2020

TO: The Registrar of the Environment Court
PO Box 7147
Wellesley Street
AUCKLAND 1010

AND TO Waikato Regional Council

1. INTRODUCTION

1.1 **Hauraki District Council** ("HDC") wishes to be a party to the following appeals on the Waikato Regional Council's decision on submissions on Plan Change 1 (Healthy Rivers) ("PC1") to the Waikato Regional Plan:

- (a) Waipa District Council v Waikato Regional Council (ENV-2020-AKL-000085).
- (b) Taupo District Council v Waikato Regional Council (ENV-2020-AKL-000086).
- (c) Waikato Regional Council v Waikato Regional Council (ENV-2020-AKL-000089).
- (d) Hamilton City Council v Waikato Regional Council (ENV-2020-AKL-000091).
- (e) South Waikato District Council v Waikato Regional Council (ENV-2020-AKL-000092).

1.2 HDC made a submission about the subject matter of the appeals.

1.3 HDC is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 ("RMA").

1.4 The parts of the appeals, the particular issues of interest, and HDC's support in regard to those parts and issues are set out in the following sections of this notice.

2. WAIPA DISTRICT COUNCIL APPEAL

2.1 HDC is interested in all of the appeal and supports the appeal for the reasons stated in the appeal and, in particular, for the following reasons:

- (a) The technological difficulties and costs associated with upgrading existing wastewater treatment plants and constructing new

wastewater treatment plants as a result of increasing the short-term target for reduction of contaminants from 10% to 20%.

- (b) Replacing the word "assisted" with "enabled" in Objective 3 is consistent with the purpose of section 5 of the Resource Management Act 1991.
- (c) The proposed amendments to Policy 12 are an improvement, especially with respect to providing for staging offsets / compensation and providing for reasonable mixing.
- (d) Reasonable mixing needs to be provided for in PC1 with respect to wastewater discharges.
- (e) Policy 19 is unclear and should, therefore, be deleted.
- (f) It is appropriate for the Waikato Regional Council to consult with the owners of regionally significant infrastructure, such as wastewater treatment plants, regarding the location of environmental monitoring sites that will be used to monitor the discharges from regionally significant infrastructure.
- (g) It is technically appropriate to analyse monitoring data on a five yearly rolling basis.
- (h) Referring to a pH8 and temperature of 20 degrees is technically correct with respect to measuring annual median and annual maximum ammonia.

3. **TAUPO DISTRICT COUNCIL APPEAL**

3.1 The HDC supports the appeal by Taupo District Council in relation to PC1 needing to make adequate provision for reasonable mixing. In particular, the HDC supports the concerns expressed in the appeal regarding:

- (a) The policy support for reasonable mixing being ambiguous.
- (b) The significant implications for regionally significant infrastructure if reasonable mixing is not adequately provided for.
- (c) The potential for significant costs to be incurred if reasonable mixing is not adequately provided for.
- (d) Offsetting and compensation needing to be over the duration of the consent.

- 3.2 The HDC notes that the amendments sought to Policy 12 and 13 in relation to the above matters are somewhat different to the amendments sought in the appeal by the Waipa District Council. The HDC anticipates that the specific amendments sought will be the subject of discussion, before or during mediation or both, amongst the territorial authorities with a view to reaching agreement on the most appropriate wording.
- 3.3 The HDC also supports the amendments sought in the appeal to:
- (a) Policy 14 to identify that regionally significant infrastructure should generally be given a 35 year consent duration.
 - (b) Method 3.11.3.3 regarding collecting monitoring data from consented regionally significant infrastructure.
 - (c) Including municipal stormwater systems and networks in the definition of regionally significant infrastructure.
- 3.4 The HDC supports the above amendments for the reasons stated in the appeal.

4. **WAIKATO REGIONAL COUNCIL APPEAL**

- 4.1 Appeal point 12 in the appeal by the Waikato Regional Council ("WRC") seeks an amendment to clause 1(b) of Schedule C so that it reads as follows:

"... with a slope over 15 degrees where the number of stock units exceeds 18 per grazed hectare at any time, measured on a whole farm basis."

- 4.2 At present, the PC1 version of the above provision applies on an "any paddock" basis and the WRC appeal states the following in that respect:

"This threshold is very low given current mob stocking practice and is therefore disproportionately restrictive and likely to be impractical for many drystock farmers to comply with."

- 4.3 The HDC supports the amendment sought by the WRC for the reasons stated in the WRC appeal.

5. **HAMILTON CITY COUNCIL APPEAL**

- 5.1 The HDC supports the Hamilton City Council appeal in relation to the following issues:

- (a) Infrastructure wetlands.

- (b) Offset measures.
- (c) The need to provide for reasonable mixing.
- (d) Excluding culverts from the definition of point source discharges.

5.2 The HDC supports the appeal in relation to the above issues for the reasons stated in the appeal. As regards the specific amendment sought to provide for reasonable mixing, the HDC notes that they are somewhat different to the amendments sought in the appeal by the Waipa District Council. The HDC anticipates that the specific amendments sought will be the subject of discussion, before or during mediation or both, amongst the territorial authorities with a view to reaching agreement on the most appropriate wording.

6. **SOUTH WAIKATO DISTRICT COUNCIL APPEAL**

6.1 The HDC supports the South Waikato District Council appeal in relation to the following issues:

- (a) Reasonable mixing.
- (b) Staging of offsetting / compensation.
- (c) Providing for offsetting / compensation to apply to a network of linked wastewater treatment systems.
- (d) Recognising that offsetting / compensation may contribute to improvements in water quality.
- (e) Consideration of lesser residual adverse effects.

6.2 The HDC supports the appeal in relation to the above issues for the reasons stated in the appeal.

6.3 The HDC notes that the amendments sought in the appeal in relation to the above issues that are also addressed in the WDC appeal are somewhat different to the amendments sought in the appeal by the Waipa District Council. The HDC anticipates that the specific amendments sought will be the subject of discussion, before or during mediation or both, amongst the territorial authorities with a view to reaching agreement on the most appropriate wording.

7. **MEDIATION / ALTERNATIVE DISPUTE RESOLUTION**

- 7.1 HDC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at **AUCKLAND** this 29th day of September 2020

**HAURAKI DISTRICT COUNCIL BY ITS SOLICITORS
AND DULY AUTHORISED AGENTS BERRY SIMONS:**



S J Berry / C D H Malone

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