

BEFORE THE ENVIRONMENT COURT

ENV-2020-AKL-0000101

AT AUCKLAND

I MUA I TE KOOTI TAIAO

I TAMAKI MAKAUROU ROHE

IN THE MATTER

of an appeal under clause 14
of Schedule 1 of the Resource
Management Act 1991

BETWEEN

**AUCKLAND WAIKATO AND
EASTERN FISH AND
GAME COUNCILS**
Appellant

AND

**WAIKATO REGIONAL
COUNCIL**
Respondent

**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS BY THE
DIRECTOR-GENERAL OF CONSERVATION**

Dated: 29 September 2020

Department of Conservation

Solicitor/Counsel acting: V Tumai/ D van Mierlo

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Notice of person's wish to be a party to proceedings

Section 274 Resource Management Act 1991

To: The Registrar
Environment Court
AUCKLAND

1. The **Director-General of Conservation** (the **Director-General**) wishes to be a party to the following proceedings:
 - 1.1. Auckland Waikato and Eastern Fish and Game Councils v Waikato Regional Council, ENV-2020-AKL- 000101.
2. The Director-General made submissions and appeared at the Council hearing on the Proposed Plan Change 1 to the Waikato Regional Plan (PC1). The Director-General also has an interest in the proceedings that is greater than the interest the general public has, specifically regarding conservation values and the implementation of the New Zealand Coastal Policy Statement (NZCPS).
3. The Director-General is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (RMA).
4. The Director-General is interested in all of the proceedings.
5. The Director-General has a particular interest in the following issues:
 - 5.1. Values
 - 5.2. Objective 5
 - 5.3. Policy 2
 - 5.4. Policy 7
 - 5.5. Policy 14
 - 5.6. Policy 15
 - 5.7. Policy 16
 - 5.8. Rule 3.11.4.6
 - 5.9. Rule 3.11.4.8.
 - 5.10. Table 3.11-1

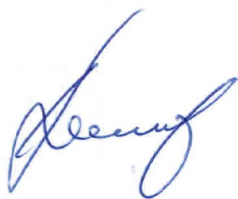
5.11. Table 3.11.1(d)

6. The Director-General supports the relief sought because:

- 6.1. Values - The Director-General supports the relief sought by the appellant and the inclusion of intrinsic values, recognition of lakes and wetlands, and mahinga kai values.
- 6.2. Objective 5 - The relief sought by the appellant is supported by the Director-General who considers that a reference to ecosystem function is an important part of the health and wellbeing of wetlands and should be included in the objective.
- 6.3. Policy 2 - The relief sought by the appellant is supported and is clearer than the decisions version, removes highly uncertain provisions, and provides clearer guidance on which activities are more or less appropriate.
- 6.4. Policy 7 – The Director-General supports appropriately short duration of consents to ensure that this plan change does not inappropriately allocate contaminant discharge too far into the future.
- 6.5. Policy 14 – The relief sought by the appellant is supported as the Whangamarino Wetland’s internationally significant values justify greater levels of protection and a stronger policy directive.
- 6.6. Policy 15 – The Director-General is supportive of the need for immediate and effective management responses in lake catchments in order to attempt to maintain and restore as many of these highly sensitive water bodies as possible. The Director-General is open to considering a more refined categorisation of lake systems in the region to better reflect their different needs.
- 6.7. Policy 16 - The relief sought by the appellant is supported as the Whangamarino Wetland’s internationally significant values justify greater levels of protection and a stronger policy directive.
- 6.8. Policy 17 – The relief proposed by the appellant is complimentary to that requested by the Director-General and will provide clearer direction to plan users, and better restore and protect wetlands in the

region.

- 6.9. Rule 3.11.4.6 - The Director-General is supportive of the need to require farms to comply with the minimum farming standards of Schedule C given the significant values of the wetland.
 - 6.10. Rule 3.11.4.9 - The relief sought by the appellant is appropriate and will ensure that there is a sufficiently high bar for any future activity which intends to change to a land use that results in an increase in contaminants. Mitigation alone does not necessarily justify a consent, but an adequate demonstration of how cumulative effects are managed and an assessment of effects at the catchment and sub catchment level is required.
 - 6.11. New non-complying activity rule - A default non-complying activity rule is supported.
 - 6.12. Table 3.11.1 - The Director-General considers ecosystem health is an integral part of the health and wellbeing of the awa and is supportive of the inclusion of new attribute target states which will provide for ecosystem health values.
 - 6.13. Table 3.11.1(d) – The Director-General is supportive of the proposed amendments which better provide for the needs of lakes in the region, including potential recategorization of lake FMUs.
7. The Director-General agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Dean van Mierlo
Counsel for the Director-General

29 September 2020

Address for service of person wishing to be a party:

Director-General of Conservation

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Contact persons

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Advice

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