

**In the Environment Court
at Auckland**

ENV-2020-AKL-101

In the Matter

of the Resource Management Act
1991 (**Act**)

And

In the Matter

of an appeal under Clause 14(1),
Schedule 1 of the Act

Between

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

Appellant

And

WAIKATO REGIONAL COUNCIL

Respondent

**Notice of wish to be party to proceedings
by Bathurst Resources Limited and
BT Mining Limited**

Dated: 28 September 2020

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To: The Registrar
Environment Court
Auckland

1. Bathurst Resources Limited and BT Mining Limited (**Bathurst and BT**) wish to be party to the following appeal against parts of the decisions of the Respondent (**Decisions**) on the Proposed Waikato Regional Plan Change 1: Waikato and Waipā River Catchments (**PC1**):
 - (a) *Auckland/Waikato and Eastern Fish and Games Councils v Waikato Regional Council* (ENV-2020-AKL-101) (**Appeal**).
2. Bathurst and BT made a submission about the subject matter of the Appeal.
3. Bathurst and BT are not trade competitors for the purposes of section 308C or 308CA of the Resource Management Act 1991 (**Act**).
4. Bathurst and BT are interested in the parts of the Appeal relating to Policies 11 and 12 of the Proposed Plan.
5. Bathurst and BT are interested in the following particular issues:
 - (a) the proposed amendment to Policies 11 and 12 to include all contaminants;
 - (b) the proposed amendment to Policy 11 to make it 'subject to' Objective 1; and
 - (c) the support for compulsory offsetting and compensation and amendments to the policies which increase the burden of compulsory offsetting and compensation.
6. Bathurst and BT **oppose** the relief sought because:
 - (a) the proposed amendment to include all contaminants is inappropriate as it goes beyond the contaminants identified in PC1 as requiring reduction, making it overly onerous and lacking in certainty;
 - (b) it is more appropriate for Policy 11 to 'have regard to' Objective 1, as opposed to being subject to Objective 1, because the continued

operation and development of regionally significant infrastructure and industry is integral to the social and economic well-being of the region;

- (c) offsetting and/or compensation may be proposed pursuant to section 104(1)(ab) of the Act but that they should not be compulsory;
 - (d) the proposed amendments fail to provide for the continued operation and development of infrastructure and industry within the Waikato Region; and
 - (e) the proposed amendments fail to give effect to the Waikato Regional Policy Statement: Te Tauākī Kaupapahere Te-Rohe O Waikato.
7. Bathurst and BT agree to participate in mediation or other alternative dispute resolution of the Appeal.

Dated this 28th day of September 2020



Joshua Leckie

Counsel for Bathurst Resources Limited and BT Mining Limited.

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