

IN THE ENVIRONMENT COURT OF NEW ZEALAND

AUCKLAND REGISTRY

I TE KŌTI TAIAO O AOTEAROA

TĀMAKI MAKAURAU ROHE

ENV-2022-000047

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14(1) of the First Schedule of the Resource Management Act 1991

BETWEEN BATHURST RESOURCES LIMITED AND BT MINING LIMITED

Appellant

AND WAIKATO DISTRICT COUNCIL

Respondent

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NOTICE OF WISH TO BE PARTY TO PROCEEDINGS PURSUANT TO SECTION 274 OF THE RESOURCE  
MANAGEMENT ACT 1991

22 March 2022

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To      **The Registrar**  
**Environment Court**  
**PO Box 7147**  
**Wellesley Street**  
**Auckland**

#### **NAME OF PERSON WHO WISHES TO BE PARTY**

1. Te Whakakitenga o Waikato wishes to be a party pursuant to section 274 of the Resource Management Act 1991 (“RMA”) to the following proceedings:
  - a) Bathurst Resources Limited and BT Mining Limited v Waikato District Council (ENV-2022-AKL-000047) being an appeal against decisions of the Waikato District Council on the Proposed Waikato District Plan.
2. Te Whakakitenga o Waikato made submissions and further submissions on the Proposed Waikato District Plan (submission number 286 and further submission number FS1108 for Stage 1).
3. Te Whakakitenga o Waikato provided evidence on the topic in question (Landscapes) to which the appeal relates.
4. Te Whakakitenga o Waikato also has an interest in these proceedings that is greater than the general public being the representative iwi authority for Waikato-Tainui, a people that are directly affected by the proposed relief sought by the Appellant.

#### **TRADE COMPETITION**

5. Te Whakakitenga o Waikato is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

#### **THE PROCEEDING**

6. Te Whakakitenga o Waikato is interested in **all of the proceedings** in relation to the stated appeal, and in particular the matters relating to Outstanding Natural Features, Outstanding Natural Landscapes, High Natural Character Areas and Outstanding Natural Character Areas.
7. Te Whakakitenga o Waikato highlight the appellant has made reference to Proposed District Plan notified provisions throughout their appeal. Of note Paragraph 41 and 43 of the appeal refer to 3.3.3 and 22.1.5 of the notified plan version rather than the relevant decision version provisions. Notwithstanding, extractive industry remains a non-complying activity in Outstanding Natural Features, Outstanding Natural Landscapes, High Natural Character Areas and Outstanding Natural Character Areas. Furthermore, the direction for avoiding adverse effects in these areas remains.
8. Te Whakakitenga o Waikato **oppose** the relief sought in paragraph 41 and 43 of the appeal. Waikato-Tainui provided extensive evidence at during hearing proceedings to ensure the Waikato-River, our awa tupuna, received the necessary recognition to give effect to Te Ture Whaimana o Te Awa o Waikato. This in part is realised by the recognition of Waikato River as an Outstanding Natural Feature in the district plan and the accompanying provisions including those relating to extractive industries.

9. Te Whakakitenga o Waikato consider the non-complying activity status and policy direction relating to avoidance of adverse effects in Outstanding Natural Features, Outstanding Natural Landscapes, High Natural Character Areas and Outstanding Natural Character Areas is appropriate and necessary to provide for recognition of the values and attributes including Waikato-Tainui values and associations with these areas which notably comprise our awa tupuna, maunga, landforms and landscapes.

#### **DISPUTE RESOLUTION**

10. Te Whakakitenga o Waikato agree to participate in mediation or other alternative dispute resolution of the proceedings.

**Dated:** 22 March 2022



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**Marae Tukere**

Acting Chief Executive

Waikato-Tainui