

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2016-AKL-000225**

**IN THE MATTER** of the Local Government (Auckland Transitional Provisions) Act 2010 and the Resource Management Act 1991

**AND**

**IN THE MATTER** of an appeal under section 156(1) of the Local Government (Auckland Transitional Provisions) Act 2010 against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel on the proposed Auckland Unitary Plan

**AND**

**IN THE MATTER** of proposed Auckland Unitary Plan Hearing Topics 006 and 035 Air Quality

**BETWEEN** **ACI OPERATIONS NEW ZEALAND LIMITED, TRADING AS O-I NEW ZEALAND**

Appellant

**AND**

**AUCKLAND COUNCIL**

Respondent

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**NOTICE OF MERCURY NZ LIMITED'S WISH TO BE  
PARTY TO PROCEEDINGS**

**7 OCTOBER 2016**

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## NOTICE OF WISH TO BE PARTY TO PROCEEDINGS

**TO:** The Registrar  
Environment Court  
**Auckland**

### **Proceeding and standing**

1. Mercury NZ Limited (**Mercury**) wishes to be a party to the following proceedings: ENV-2016-AKL-000225.
2. Mercury is a person who made a submission, attended mediation and attended hearings on the proposed Auckland Unitary Plan (**Proposed Plan**) about the same matter and/or has an interest in the proceedings that is greater than the public generally.
3. Mercury was formerly named Mighty River Power Ltd. Submissions and evidence in respect of the Proposed Plan for Hearing Topics 006 and 035 Air Quality were lodged in the name Mighty River Power Ltd.
4. Mercury is not a trade competitor for the purposes of section 308C of the Resource Management Act 1991.

### **Interest in proceeding**

5. Mercury is interested in part of the proceedings.
6. The part of the proceedings Mercury is interested in is the requested deletion of any provisions (including objectives, policies, rules and standards) relating to the inclusion of the Auckland Ambient Air Quality Standards (**AAAQS**) within the Proposed Plan.
7. Mercury supports the relief sought by ACI Operations New Zealand Limited, trading as O-I New Zealand (**ACI**) for the following reasons:
  - (a) the Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (**NESAQ**) is the most appropriate tool to manage air quality in Auckland and there is insufficient justification for the AAAQS that differ from the standards contained in the NESAQ;
  - (b) the additional 24-hour and annual average standards in the AAAQS for NO<sub>2</sub> that differ from the standards contained in the NESAQ are

inappropriate because there is insufficient justification for these additional standards;

- (c) the reasons set out in ACI's appeal insofar as they relate to applying standards for contaminants that are different than the NESAQ;
- (d) objectives and policies that act as rules by directing compliance with the AAAQS are not an appropriate way to manage air quality; and
- (e) the relief is consistent with the purpose and principles and other relevant provisions of the RMA, is consistent with good resource management practice, is an appropriate way to manage environmental effects, and is justified having regard to section 32 of the RMA.

**Mediation/alternative dispute resolution**

- 8. Mercury agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** this 7th day of October 2016

**Address for service of person wishing to be a party:**

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New Zealand (Attention: Fraser Graafhuis)

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