

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2016-AKL-000217

UNDER THE Resource Management Act 1991 ("**RMA**") and the
Local Government (Auckland Transitional
Provisions) Act 2010 ("**LGATPA**")

IN THE MATTER of an appeal under section 156(1) of the LGATPA

AND

IN THE MATTER of section 274 of the RMA

AND

IN THE MATTER of the Proposed Auckland Unitary Plan hearing
Topics 006 RPS Natural Resources and 035 Air
Quality

BETWEEN **WASTE MANAGEMENT NZ LIMITED**
Appellant

AND **AUCKLAND COUNCIL**
Respondent

**NOTICE OF PORTS OF AUCKLAND LIMITED'S WISH TO BE PARTY TO
PROCEEDINGS**

7 OCTOBER 2016

RUSSELL McVEAGH

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To: the Registrar of the Environment Court at Auckland

And to: the Appellant

And to: Auckland Council

PORTS OF AUCKLAND LIMITED ("POAL") wishes to be a party to an appeal by Waste Management NZ Limited ("**Appellant**") against the decision by Auckland Council ("**Council**") to reject a recommendation by the Independent Hearings Panel ("**Panel**") in relation to the Proposed Auckland Unitary Plan's ("**Unitary Plan**") air quality provisions.

Nature of interest

1. POAL owns and operates the Port of Auckland as well as a nationally and regionally significant network of integrated fast turnaround cargo handling facilities connected by road and rail, including inland port, and distribution and warehousing facilities.
2. POAL was a submitter and further submitter on Topics 006 and 035 - Air Quality, including on the Auckland Ambient Air Quality Standards ("**AAAQS**"). POAL presented evidence and submissions at both the Topic 006 and 035 hearings on air quality issues.
3. POAL is not a trade competitor for the purposes of section 308C of the RMA.

Extent of interest and reasons

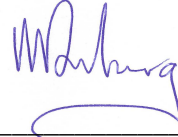
4. POAL is interested in the entirety of the proceedings and supports the Appellant's appeal for the reasons given by the Appellant and because:
 - (a) the AAAQS impose greater restrictions on activities than what is provided for in the National Environmental Standard for Air Quality 2004;
 - (b) the imposition of those higher standards does not promote the purpose of the RMA;
 - (c) there is no justification for the inclusion of the AAAQS in terms of section 32 of the RMA; and
 - (d) there is no basis to apply more stringent air quality standards to the Auckland region.

Relief sought

5. POAL supports the relief sought by the Appellant and in particular, seeks that:
 - (a) the Panel's recommendations on Topics 006 and 035 - Air Quality be reinstated; and
 - (b) any consequential relief which may be required as a result of allowing all or any aspects of the appeal.

6. POAL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

PORTS OF AUCKLAND LIMITED by its solicitors and authorised agents Russell McVeagh:



Signature:

B S Carruthers / M J Doesburg

Date:

7 October 2016

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Advice

1. If you have any questions about this notice, contact the Environment Court in Auckland.