

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2016-AKL-000225**

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

Appellant

**AND** **AUCKLAND COUNCIL**

Respondent

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

**7 OCTOBER 2016**

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**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 ACI Operations New Zealand Limited, Trading As O-I New Zealand ("**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**

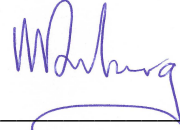
4. POAL is interested in the entirety of the proceedings and supports the Appellant's appeal for the reasons given by the Appellant and because:
  - (a) the AAAQS impose greater restrictions on activities than what is provided for in the National Environmental Standard for Air Quality 2004;
  - (b) the 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:**

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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.