

**In the Environment Court  
at Auckland**

**ENV-2020-AKL-094**

**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**

**THE ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF NEW  
ZEALAND INCORPORATED**

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

---

---

**Lane Neave**  
Level 1, 2 Memorial Street  
PO Box 701  
Queenstown 9348  
Solicitor Acting: Joshua Leckie  
Email: [joshua.leckie@laneneave.co.nz](mailto:joshua.leckie@laneneave.co.nz)  
Phone: 03 372 6307

**lane neave.**

**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) *Royal Forest and Bird Protection Society of New Zealand Incorporated v Waikato Regional Council* (ENV-2020-AKL-094) (**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 part of the Appeal relating to Policy 12.
5. Bathurst and BT are interested in the following particular issues:
  - (a) the proposed deletion of offsetting and compensation measures;
  - (b) the proposed reduction of the 80 year timeframe to meet long term Freshwater Objective water quality attribute states for the Freshwater Management Units in the Waikato and Wāipā River Catchments; and
  - (c) the proposed amendment to Policy 12 to make it implicitly clear it only applies to regionally significant infrastructure and industry.
6. Bathurst and BT **oppose** the relief sought because:
  - (a) offsetting and compensation are recognised and appropriate measures under the Act;
  - (b) Policy 12 gives effect to the other provisions of PC1 by including the 80 year timeframe;
  - (c) the 80 year timeframe is appropriate;

- (d) Policy 12 is not intended to apply solely to regionally significant infrastructure and industry, but to the point source discharge of any nitrogen, phosphorus, sediment or microbial pathogens into water or onto land within the Waikato and Waipā River catchments; and
  - (e) the proposed amendments fail to provide for the continued operation and development of infrastructure and industry within the Waikato Region; and
  - (f) 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 28h day of September 2020



---

Joshua Leckie  
Counsel for Bathurst Resources Limited and BT Mining Limited

**Address for Service of Bathurst Resources Limited and BT Mining Limited:**

Phone: 03 372 6307/03 372 6351

Email: [joshua.leckie@laneneave.co.nz](mailto:joshua.leckie@laneneave.co.nz)/[kelsey.barry@laneneave.co.nz](mailto:kelsey.barry@laneneave.co.nz)

Contact person: Joshua Leckie/Kelsey Barry