

**BEFORE THE ENVIRONMENT COURT  
AUCKLAND REGISTRY**

**I MUA I TE KOOTI TAIAO O AOTEAROA**

**ENV-2022-AKL-000047**

**IN THE MATTER** The Resource Management Act 1991  
(the **Act**)

**AND**

**IN THE MATTER** of an appeal under clause 14(1) of  
the First Schedule of the Act

**BETWEEN** **BATHURST RESOURCES LIMITED  
AND BT MINING LIMITED**

**Appellant**

**AND**

**WAIKATO DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF WAIKATO REGIONAL COUNCIL'S WISH TO BE PARTY TO  
PROCEEDINGS**

**DATED 22 MARCH 2022**

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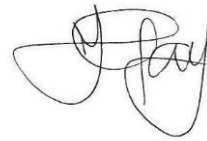
**To: The Registrar  
Environment Court  
Auckland**

1. The Waikato Regional Council (**WRC**) gives notice that it wishes to be a party to the appeal by Bathurst Resources Limited and BT Mining Limited (ENV-AKL-2022-000047) against a decision of the Waikato District Council on submissions on its Proposed Waikato District Plan (**Proposed DP**).
2. WRC made a submission about the subject matter of the proceedings:
  - a. Submission point 81.93 sought that the objective for biodiversity and ecosystems clearly states that the outcome being worked towards is to achieve no net loss which aligns with Policy 11.1 and associated implementation methods of the Waikato Regional Policy Statement (WRPS).
  - b. Submission point 81.101 sought to retain identification of Significant Natural Areas (SNAs) on the district planning maps as it provides landowners with greater certainty and assists with achieving Policy 11.2 of WRPS.
  - c. WRC also made a number of further submission points (submission 1277) seeking to retain mapped extents of SNAs on the planning maps as notified.
  - d. WRC also did not support the s42A report recommendation to remove the majority of SNA from the planning maps and gave evidence in support of the above submission points at the hearing.
3. WRC is not a trade competitor for the purposes of 308C or 308CA of the Resource Management Act 1991.
4. WRC is interested in the following parts of the appeal:
  - a. The request to remove the reference to “no net loss” within the Natural Environment chapter including 3.2.4 and Appendix 6.
  - b. The request to remove several SNAs at the Rotowaro Mine from the proposed planning maps.
5. The general reasons for WRC’s interest in the proceedings are:
  - a. The relief sought by the appellant does not align with the relief sought by WRC in its own appeal (ENV-AKL-2022-000073).

- b. The relief sought by the appellant will mean the district plan will not give effect to the WRPS, including:
  - i. Policy 11.1(a) of the WRPS is to promote positive indigenous biodiversity outcomes to maintain the full range of ecosystem types and maintain or enhance their spatial extent as necessary to achieve healthy ecological functioning of ecosystems, with a particular focus on working towards achieving no net loss of indigenous biodiversity at a regional scale.
  - ii. Method 11.1.3(a)(ii) states district plans should promote biodiversity offsets as a means to achieve no net loss of indigenous biodiversity where significant residual adverse effects are unable to be avoided, remedied or mitigated.
  - iii. Method 11.2.2(d) directs district plans to offset adverse effects to achieve no net loss.
  - iv. Policy 11.2 and associated methods of the WRPS seek that areas of significant indigenous vegetation and significant habitats of indigenous fauna are identified and protected.
- c. SNAs identified in the notified version of the planning map were based on WRC SNA data. These should only be removed where there is sufficient evidence that the mapping is incorrect and has been verified by a suitably qualified ecologist.

6. WRC opposes the relief sought in the appeal on the basis that it does not give effect to the WRPS or achieve the sustainable management purpose of the Act.
7. WRC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** at Hamilton this 22nd day of March 2022



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**Tracey May**  
Director Science, Policy and Information  
Waikato Regional Council

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