

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

**I MUA I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU ROHE**

ENV-2022-AKL-000047

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of an appeal under clause 14(1) of Schedule 1 of the
RMA

AND

IN THE MATTER of an application under section 274 of the RMA

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

Appellant

AND

WAIKATO DISTRICT COUNCIL

Respondent

**NOTICE OF INTENTION BY TATA VALLEY LIMITED TO BE A PARTY TO THE
PROCEEDINGS UNDER SECTION 274**

Dated 22 March 2022

BUDDLE FINDLAY

Barristers and Solicitors
Auckland

Solicitor Acting: **Vanessa Evitt / Mathew Gribben**
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TO: the Registrar
Environment Court
Auckland

1. TaTa Valley Limited (**TVL**) wishes to be a party to the following proceedings under s 274 of the Resource Management Act 1991 (**RMA**):

Bathurst Resources Limited and BT Mining Limited v Waikato District Council (ENV-2022-AKL-000047)

2. The proceedings concern an appeal lodged by Bathurst Resources Limited and BT Mining Limited (**Bathurst and BT**) against a decision of Waikato District Council (**Council**) on the Proposed Waikato District Plan (**PWDP**) which was publicly notified on 17 January 2022 (**Decision**).

Nature of interest in the proceedings

3. TVL controls a large rural site south-west of Pokeno that was rezoned in the Decision to a new special purpose zone called the TaTa Valley zone (**Site**). The purpose of the TaTa Valley zone is to enable the development and operation of the TaTa Valley Resort. The Site contains a number of Significant Natural Areas (**SNAs**) that are mapped in the PWDP.
4. Part of the Site is adjacent to the Waikato River, which was identified as an Outstanding Natural Landscape (**ONL**) in the Decision.
5. TVL made a submission about the subject matter of the proceedings and presented evidence at the Council hearing in relation to the provisions for SNAs and ONLs.

Extent of interest in the proceedings

6. TVL is interested in the part of the appeal that relates to SNAs and ONLs and in particular the requested relief to:
 - (a) Ensure that the effects management hierarchy both in and outside SNAs includes offsetting and environmental compensation options including within Policy 3.1.2A.
 - (b) The removal of the reference to avoiding all adverse effects on ONLs and Features in 3.3.3 as this is not the test in Part 2 and sets the threshold for environmental effects too high.

7. TVL supports the relief sought as it provides a more appropriate balance between use and development of natural resources and the protection of environmental and natural heritage values from inappropriate use and development as contemplated by Part 2 of the RMA.

Alternative Dispute Resolution

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

DATED: 22 March 2022

TATA VALLEY LIMITED

by its solicitors and authorised agents
Buddle Findlay:



Vanessa Evitt

Address for service of person wishing to be a party:

TaTa Valley Limited

c/ - Vanessa Evitt / Mathew Gribben
Buddle Findlay
Level 18
188 Quay Street
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Phone: 64 9 358 2555

Facsimile: 64 9 358 2055

Email: vanessa.evitt@buddlefindlay.com / mathew.gribben@buddlefindlay.com

Names and addresses of persons to be served with a copy of this notice:

Bathurst Resources Limited and BT Mining Limited

Joshua Leckie / Katharine Hockley
Lane Neave
Vero Centre
Level 8, 48 Shortland Street
PO Box 562
Auckland 1140
Phone: 03 409 0321

Email: Joshua.leckie@laneneave.co.nz / Katharine.hockley@laneneave.co.nz

Waikato District Council
Bridget Parham

Email: bridget.parham@tompkinswake.co.nz

Beth Ford

Email: beth.ford@tompkinswake.co.nz

Kirsty Ridling

Email: Kirsty.Ridling@waidc.govt.nz

Note to person wishing to be a party

You must lodge the original and one copy of this notice with the Environment Court within 15 working days after:

- (a) the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- (b) the decision to hold an inquiry, if the proceedings are an inquiry; or
- (c) the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

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