

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2020-AKL-000038**

**I MUA I TE KOOTI TAIAO  
I TĀMAKI MAKĀURAU ROHE**

**IN THE MATTER**

of the Resource Management Act 1991  
("RMA")

**AND**

**IN THE MATTER**

of section 274 of the RMA

**BETWEEN**

**AFFCO NEW ZEALAND LIMITED**

Appellant

**AND**

**HAMILTON CITY COUNCIL**

Respondent

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

**20 MAY 2020**

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**Russell  
McAugh**

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To:           The Registrar  
                   The Environment Court  
                   AUCKLAND

**PORTS OF AUCKLAND LIMITED ("POAL")** wishes to be a party to an appeal by AFFCO New Zealand Limited ("**AFFCO**") against the decision of the Hamilton City Council ("**Council**") to approve Proposed Plan Change 2 to the Hamilton City District Plan ("**PPC2**").

**Nature of interest**

1. POAL made a submission and further submission about the subject matter of AFFCO's appeal.
2. POAL is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

**Extent of interest**

3. POAL is interested in AFFCO's appeal in its entirety.
4. POAL submitted in opposition to PPC2 on the basis of potential adverse effects on POAL's Horotiu Inland Freight Hub ("**Inland Freight Hub**"). In particular, POAL's submission raised concerns with the lack of provision for the consideration and management of reverse sensitivity effects in PPC2.
5. POAL was subsequently involved in discussions with Perry Group Limited ("**Perry**") in relation to the matters raised in its submission. POAL and Perry were able to reach agreement on a number of changes to PPC2 to address POAL's concerns relating to potential reverse sensitivity effects on the Inland Freight Hub.
6. POAL retains an interest in any potential amendments to the PPC2 provisions relating to the management of reverse sensitivity effects that may impact the Inland Freight Hub.

**Relief sought**

7. POAL supports the relief sought by AFFCO to the extent that any further amendments are made to PPC2 to appropriately manage reverse sensitivity issues because such measures:
  - (a) will promote the sustainable management of the natural and physical resources within Hamilton City and the Waikato Region, and are

therefore consistent with Part 2 and other provisions of the RMA;

- (b) will meet the reasonably foreseeable needs of future generations;
- (c) will enable the social, economic and cultural wellbeing of the people of Hamilton and the Waikato Region;
- (d) avoid, remedy or mitigate actual or potential adverse effects on the environment;
- (e) give effect to the Waikato Regional Policy Statement; and
- (f) are the most appropriate way to achieve the objectives of the Hamilton City District Plan in terms of section 32 of the RMA.

**Alternative dispute resolution**

- 8. POAL agrees to participate in mediation or alternative dispute resolution of the proceedings.

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



<b>Signature:</b>	D J Minhinnick / T W Atkins
<b>Date:</b>	20 May 2020
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TO: The Registrar of the Environment Court at Auckland.

AND TO: Hamilton City Council

AND TO: The Appellant

**Advice**

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