

**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 hearing Topic 006 - RPS Natural Resources  
("**Topic 006**") and Topic 035 - Air Quality ("**Topic  
035**") of the Proposed Auckland Unitary Plan

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

Appellant

**AND** **AUCKLAND COUNCIL**

Respondent

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**NOTICE OF FULTON HOGAN LIMITED'S WISH TO BE PARTY TO  
PROCEEDINGS**

**3 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

**FULTON HOGAN LIMITED** ("**Fulton Hogan**") wishes to be a party to an appeal by ACI Operations New Zealand Limited, trading as O-I New Zealand ("**Appellant**") against part of a decision by Auckland Council ("**Council**") to reject a recommendation by the Independent Hearings Panel ("**Panel**") in relation to the Proposed Auckland Unitary Plan ("**Unitary Plan**").

#### **Nature of interest**

1. Fulton Hogan is one of New Zealand's largest roading and construction companies. Fulton Hogan has numerous sites across the Auckland region, including its two main depots at 4 Reliable Way, Mount Wellington and 26 - 40 Flexman Place, Silverdale.
2. Fulton Hogan was a submitter on Topic 006 and Topic 035 and was a party to a joint submission made by the Aggregate and Quarry Association of New Zealand, Holcim New Zealand Limited and Winstone Aggregates. Fulton Hogan also presented evidence at both the Topic 006 and Topic 035 hearings in relation to air quality matters.
3. Fulton Hogan is not a trade competitor for the purposes of section 308C of the RMA.

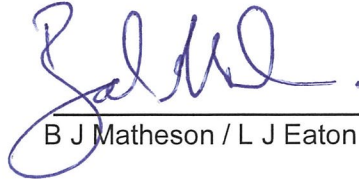
#### **Extent of interest and reasons**

4. Fulton Hogan is interested in the entirety of the proceedings and supports the Appellant's appeal for the following reasons:
  - (a) the Ambient Air Quality Amenity Standards ("**AAAQS**") impose greater restrictions on activities than what is provided for in the National Environmental Standard for Air Quality;
  - (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. Fulton Hogan supports the relief sought by the Appellant and in particular, seeks that:
6.
  - (a) the air quality provisions be amended as per the Panel's recommendations on Topic 006 and Topic 035, in particular that the AAAQS be deleted from the Unitary Plan; and
  - (b) any consequential relief which may be required as a result of allowing all or any aspects of the appeal.

**FULTON HOGAN LIMITED** by its solicitors  
and authorised agents Russell McVeagh:



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**Signature:**

B J Matheson / L J Eaton

**Date:**

3 October 2016

**Address for Service:**

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**Advice**

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