

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2021-AKL-00081**

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

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

**AND**

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

**BETWEEN** **AMBURY PROPERTIES LIMITED**

**Appellant**

**AND**

**WAIKATO DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF OHINEWAI LANDS LIMITED'S WISH TO BE A PARTY TO  
PROCEEDINGS**

**Dated: 27 July 2021**

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Solicitors on Record

**WYNN WILLIAMS LAWYERS**  
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## NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

*Section 274, Resource Management Act 1991*

**To** The Registrar  
Environment Court  
Auckland

### **Name of Person who wishes to be Party**

1. Ohinewai Lands Limited (**OLL**) wish to be a party to the following proceedings:
  - a. ENV-2021-AKL-00081 - An appeal by Ambury Properties Limited (**APL**) against a decision of the Waikato District Council to rezone land at Ohinewai (**Ohinewai Rezoning**) under the Proposed Waikato District Plan (**District Plan**).
2. OLL:
  - a. Is a person with an interest in the proceedings greater than the interest that the general public has, being an adjacent landowner to the proposed rezoning; and
  - b. made submissions and further submissions on the Waikato District Plan and the proposed rezoning, being the subject matter of the proceedings.
3. OLL participated in the District Plan hearing processes for the Ohinewai Rezoning of the Ambury Properties Ltd (**APL**) site (Hearing 19), Natural Hazards - Ohinewai - (Hearing 27), and the rezoning of Ohinewai land surrounding the APL site (Hearing 25). OLL sought, amongst other things, Future Urban zoning of two parcels of land owned by OLL (title SA33A/52 and parts of titles SA33A/444 and SA634/172), which adjoin the APL site, for industrial and residential activities. The Independent Hearing Panel had not at the time of filing this notice issued any further decisions in relation to Hearings 27 or 25. OLL wishes to ensure that future District Plan decisions concerning Ohinewai (e.g., Hearings 27 and 25) are integrated and made consistent with any decision on the matters presently under appeal.

### **Trade competition**

4. OLL is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (**RMA**).

### **The Proceeding**

5. OLL is interested in all of the proceedings.

### **Particular Issues**

6. OLL is particularly interested in the following issues:
  - a. Hydrological characteristics of natural drainage processes required to be retained where new subdivision, development or land use is proposed;
  - b. Increases in flows of stormwater runoff onto adjacent land or floodplains;
  - c. Staging plan for the Sleepyhead Estate; and
  - d. Locations of commercial activity in the Ohinewai Zone.

### **Relief sought**

7. OLL generally supports the relief sought by APL at paragraphs 10.4, 11.3, 13, 14.3, and 15.2 of the Notice of Appeal.
8. OLL seeks that the relief sought by APL is granted including any consequential relief that may be required, subject to:
  - a. stormwater issues being appropriately addressed as set out under paragraph [12] of this notice, and
  - b. consistency with the rest of the District Plan as set out under paragraph [13] of this notice.

### **Reasons for relief sought**

9. The decision correctly concluded that the Residential Rezoning gives effect to the Waikato Regional Policy Statement (**WRPS**) and the National Policy Statement on Urban Development 2020 (**NPS-UD**), and appropriately had

regard to other statutory documents such as Waikato 2070 (the growth strategy developed by Waikato District Council).

10. The decision correctly concluded that the Residential Rezoning gives effect to the NPS-UD because it will add significantly to development capacity and contribute to transforming the Huntly and Ohinewai area into a well-functioning urban environment.
11. OLL considers that the relief sought by APL will generally improve the clarity of the plan provisions.
12. OLL is concerned to ensure that stormwater from development within the Ohinewai Zone is required to be managed in a way which appropriately manages actual and potential effects on adjoining land holdings. OLL supports stormwater-related provisions that will ensure any adverse effects on surrounding land will be appropriately avoided, remedied, or mitigated.
13. OLL is concerned to ensure that District Plan provisions (both from Hearing 19 as well as Hearings 27 and 25) relating to Ohinewai are integrated and consistent in their application.

**Dispute resolution**

14. OLL agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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M J Doesburg

Solicitor for Ohinewai Lands Limited

Date: 27 July 2021

**Address for service of Person wishing to be a Party**

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