

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2021-AKL-00086

**I MUA I TE KŌTI TAI AO 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 **WAKA KOTAHI NEW ZEALAND
TRANSPORT AGENCY**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

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

Dated: 27 July 2021

Solicitors on Record

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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-00086 - An appeal by Waka Kotahi New Zealand Transport Agency (**Waka Kotahi**) against a decision of the Waikato District Council to rezone land at Ohinewai 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. Whether the Residential Rezoning will result in a well-functioning urban environment, particularly in respect of transport and transport modes;
 - b. The Residential Rezoning's consistency with the Government Policy Statement on Land Transport (**GPS**), National Policy Statement on Urban Development (**NPS-UD**), and the Waikato Regional Policy Statement (**WRPS**);
 - c. The analysis of alternative sites for the purpose of section 32AA; and
 - d. The potential Travel Management Plan for the Industrial Rezoning referred to under paragraph 9 of the Notice of Appeal.

Relief sought

7. OLL opposes the relief sought by Waka Kotahi in respect of the Residential Rezoning at paragraph 10 of the Notice of Appeal and seeks that the relief sought by Waka Kotahi is declined, subject to consistency with the rest of the District Plan as set out under paragraph [13] of this notice.

Reasons for relief sought

8. OLL disagrees that zoning for industrial uses only at Ohinewai is a better approach than zoning for a mix of industrial, commercial, residential, and open space land uses. Residential land uses will enable the establishment of a well-functioning urban environment with better opportunities for living, working, playing, and improved housing supply.

9. Waka Kotahi's alternative relief seeks that the Residential Zoning provisions are amended and/or the extent of the Residential Zone is reduced to address the issues raised in its submission on the District Plan, including reduced reliance on private vehicle use. OLL considers that reducing the extent of the Residential Zone would not achieve a well-functioning urban environment and is unlikely to result in reduced reliance on private vehicle use.
10. The decision correctly concluded that reliance on private vehicles will be reduced by enabling a more complete community with proximity to living, working, and playing opportunities, as opposed to a more limited industrial and business-zoning of the land.
11. The decision correctly concluded that the development can be satisfactorily serviced for transport by either the existing network or through the upgrades embedded in the District Plan provisions.
12. The decision correctly concluded that the Residential Rezoning gives effect to the WRPS and the NPS-UD, and appropriately had regard to other statutory documents such as the GPS and Waikato 2070 (growth strategy developed by Waikato District Council).
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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