

IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY

ENV-2021-

I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKAUROA ROHE

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

AND

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

BETWEEN **WAKA KOTAHĪ NEW ZEALAND TRANSPORT
AGENCY**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**NOTICE OF LUMSDEN FAMILY TRUST WISH TO BE PARTY TO
PROCEEDINGS SECTION 274, RESOURCE MANAGEMENT ACT 1991**

21 July 2021

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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 The LUMSDEN FAMILY TRUST (**Lumsden**) wishes to be a party to the following proceedings: Clause 14(1) of the First Schedule, Resource Management Act 1991, Waka Kotahi New Zealand Transport Agency (**Waka Kotahi**) appeal against part of the decision of Waikato District Council of a submission by Ambury Properties Limited (**Ambury**) in respect of the Proposed Waikato District Plan seeking the rezoning of land at Ohinewai.
- 2 Lumsden has not made a submission on the subject matter but has an interest greater than the public for the following reasons:
 - (a) Lumsden is the adjacent land owner to the rezoning. A dairy farm is operated from the Lumsden's land.
 - (b) Lumsden has been considered as an affected party to the Fast-Track consent that Ambury has submitted to the Environmental Protection Authority (**EPA**) in relation to constructing a foam factory with associated rail siding and road realignment. The rail siding plan requires land owned by Lumsden and Lumsden was asked to provide comments to the EPA.
 - (c) Issues raised in the appeal directly affect Lumsden's land: in particular drainage and flood risk to the Lumsden land.

Trade competition

- 3 Lumsden is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

The Proceedings

- 4 Lumsden is interested in all the proceedings and in particular, amendments sought by Waka Kotahi in relation to:
- (a) The National Policy Statement on Urban Development 2020 (**NPS-UD**).
 - (b) Public transport and the well-being of the urban environment including local community services and Ohinewai and Huntly not being the same urban environment.
 - (c) Location of Residential Rezoning.

Particular Issues

- 5 Lumsden is interested in the appeal as a whole and in the following particular issues:
- (a) That the Residential Rezoning is declined; or in the alternative.
 - (b) The Residential Rezoning provisions are amended and/or the extent is of the Residential Zone is reduced so that:
 - (i) There is affordable worker housing at appropriate densities.
 - (ii) The urban environment achieves a range of transport modes.
 - (iii) Amendments to the staging provisions in Table OHI-I.
 - (c) The outcomes of the industrial zone provisions.

Relief sought

- 6 Lumsden conditionally **supports** the relief sought because:
- (a) Lumsden is the adjacent landowner to the rezoning and is concerned at potential impacts.
 - (b) Giving effect to these amendments will provide future generations with a sustainable community and give effect to the provisions of the NPS-UD, the Waikato Regional Policy Statement, and Part 2 of the RMA.

- (c) There needs to be an economic incentive and well-being element to the new development to justify the change in use of the land (i.e., from rural to industrial/residential). The economic well-being of the existing and new community needs to be established by the Foam Factory before the residential development is created to ensure there is a purpose to the rezoning. This staging will ensure that community infrastructure is built before new residents live in Ohinewai and their work, transport and well-being needs are catered for.
- (d) Traffic needs to be managed for future use and safety and is not a financial burden on existing residents.
- (e) Lumsden is interested in any outcomes that could impact on its land or on the use and/or occupation of its land.

Dispute resolution

- 7 Lumsden agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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Dr J B Forret and C F Muggeridge

Solicitor for Person wishing to be a Party

Date: 21 July 2021

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