

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-2021-AKL-00077**

**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**

**THE RALPH ESTATES**

**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

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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**) wishes to be a party to the following proceedings:
  - a. ENV-2021-AKL-00077 - An appeal by The Ralph Estates (**Ralph Estates**) 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 Ohinewai Zone provisions will promote sustainable management of natural resources and achieve the efficient use and development of natural and physical resources;
  - b. Whether the Ohinewai Zone provisions are the most appropriate way to achieve the purpose of the RMA;
  - c. Whether the Ohinewai Zone provisions represent the most appropriate way of exercising the Waikato District Council's functions; and
  - d. Whether the Ohinewai Zone provisions will mean that Ralph Estates' interests in the APL land are rendered incapable of reasonable use pursuant to section 85 of the RMA.

### **Relief sought**

7. OLL opposes the relief sought by Ralph Estates at paragraph 9 of its Notice of Appeal and seeks that the relief sought by Ralph Estates is declined, subject to consistency with the rest of the District Plan as set out under paragraph [11] of this notice.

### **Reasons for relief sought**

8. 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).

9. The decision correctly concluded that resource consents would be required to exercise Ralph Estates' rights to the Ohinewai land, and mineral extraction would have such significant actual or potential effects on the environment and people that it is unlikely section 85 of the RMA would apply.
10. The decision correctly recognised that Ralph Estates has held mining interests over the land since the 19<sup>th</sup> century and there has been no attempt to exercise those rights.
11. 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**

12. 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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