

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2022-AKL-000087

IN THE MATTER of appeals under Clause 14(1) of
Schedule 1 of the Act in relation to the
Proposed Waikato District Plan.

AND

IN THE MATTER of a Proposed District Plan

BETWEEN **HYNDS PIPE SYSTEMS AND THE
HYNDS FOUNDATION**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**To: The Registrar
Environment Court – Auckland**

**SECTION 274 NOTICE FROM CSL TRUST
ON THE APPEAL BY
HYNDS PIPE SYSTEMS AND THE HYNDS FOUNDATION**

22 March 2022

Counsel Instructed

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TO The Registrar
Environment Court
Auckland

NOTICE

1. CSL Trust (**CSL**), wishes to be a party pursuant to s 274 of the Resource Management Act 1991 (**Act**) to the following proceedings:

Hynds Pipe Systems Limited and the Hynds Foundation v Waikato District Council: ENV-2022-AKL-000087

Master Topic: Proposed Waikato District Plan

2. CSL made a submission (#89) on the Proposed Plan and has also lodged its own appeal – ENV-2002-AKL-000058.
3. CSL has an interest in the parts of the proceeding seeking;
 - a) An amendment to GRZ-S23 (Building setback - Environmental Protection Area) so that an infringement is a non-complying activity rather than a discretionary activity.
 - b) The insertion of a rule equivalent to PREC4-S2 (General residential zone chapter) so that new buildings or alterations to an existing building for a sensitive land use within an EPA in the General rural zone is a non-complying activity.
4. CSL has an interest in the relief sought that is greater than the interest the public generally has because it has land that is affected by the Appeal.
5. CSL is interested in all of the issues arising from those parts of the relief identified above.
6. CSL is not a trade competitor for the purposes of section 308C or 308CA of the Act.
7. CSL opposes the relief being sought for reasons including;

- a) The proposed non-complying activity status has potentially wider application than the issue that the Appellant is seeking to address with development on a neighbouring property.
 - b) Discretionary activity status is appropriate for any non-compliances because any infringement of the setback or building modifications are not matters that are outside the scope of contemplation within the Plan.
 - c) Discretionary status can be a trigger for notification, in appropriate circumstances, and therefore enables participation in the consenting process.
 - d) Discretionary activity status allows the Council to consider a wide range of relevant factors, technical information and submissions (if notified), prior to making a determination on a resource consent application. There is no presumption that a discretionary activity will be approved.
 - e) The relief does not satisfy the tests in s32 of the Act and, in particular, non-complying activity status is not the most appropriate method to achieve the objectives in the Plan.
 - f) The relief does not meet the Purpose of the Act.
8. CSL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 22nd day of March 2022



Peter Fuller
Counsel for CSL Trust

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LIST OF PARTIES TO BE SERVED WITH THIS NOTICE**Respondent – Waikato District Council**

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Hynds Pipe Systems Limited

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Submitters Served By the Appeal