

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2022-AKL-000018

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

A N D

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

BETWEEN **Bettley-Stamef Partnership**

Appellant

A N D **Waikato District Council**

Respondent

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS
Section 274 of the Act


HOLLAND BECKETT
L A W

525 Cameron Road
DX HP40014
Private Bag 12011
Tauranga 3143
Telephone: (07) 578 2199
Facsimile: (07) 578 8055

Solicitor: Laura Murphy

Email: laura.murphy@hobec.co.nz

TO: The Registrar
Environment Court
AUCKLAND

1. Fantess Limited (**Fantess**) wishes to be a party to the following proceedings:
 - (a) ENV-2022-AKL-000018, *Bettley-Stamef Partnership v Waikato District Council*, an appeal under Clause 14(1) of Schedule 1 of the Act on the Waikato District Plan (**the Plan**).
2. Fantess has an interest in the proceedings that is greater than the general public has. The sole director of Fantess resides at 125 Matangi Road which is one of the properties affected, and does not wish for his property to be rezoned from rural to country living.
3. Further to this, Fantess hosts an annual Cherry Blossom Festival in late September/early October over several days at 125 Matangi Road. The festival has been held since 2017, and the intention is for it to continue to grow to become a major event attracting people from outside the region and from overseas. Other festivals are also planned for the future at different times of the year, and the change in zoning requested by the Appellant would have significant ramifications for any festivals at the Property given the change in applicable rules and policies. For these reasons, Fantess has an interest greater than that of the general public and seeks to join the proceedings on that basis.
4. Fantess is not a trade competitor for the purposes of section 308C or 308CA of the Act.
5. Fantess is interested in all of the proceedings.

6. Fantess is interested in the relief sought by the Bettley-Stamef Partnership to have the land at 125, 131, 145, 165A, 165D/167A, and 167/171 Matangi Road and 21A, 21B, 26, 29, 51, 54, 58, 59, 60, 61A, 61B, 61C, 62A and 62B Yumelody Lane rezoned from rural to country living.
7. Fantess **opposes** the relief sought because it does not consider that country living zoning is appropriate in those locations and supports the reasoning contained in the Hearing Panel's Decision Report which specially considered zoning this area country living, but decided against it due to such a change being inconsistent with the Waikato Regional Policy Statement and the National Policy Statement for Urban Development 2020. Further rural residential development close to Hamilton City should be avoided.
8. Fantess agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Signature:



Laura Murphy
Counsel for Fantess Limited

Date: 21 March 2022

**Address for service of
Fantess Limited:**

Laura Murphy
c/- Holland Beckett Law
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(07) 578 2199

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Email:

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Contact person:

Laura Murphy

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after—

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in [section 274\(1\)](#) and [Part 11A](#) of the Resource Management Act 1991.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under [section 281](#) of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see [form 38](#)).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Attachment A**Names and addresses of submitters to be served with copy of appeal**

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|---|---|--|
| Waikato Regional Council Private Bag 544 Ngaruawahia 3742 Kirsty.ridling@waidc.govt.nz | Bettley-Stamef Partnership Feathers Planning PO Box 1462 Hamilton 3240 lou@louisefeathers.co.nz | Divina Libre 60 Yumelody Lane Tamahere Hamilton 3284 debbielibre@yahoo.com |
| Mel Libre 60 Yumelody Lane Tamahere Hamilton 3284 melblibre@gmail.com | Kim Angelo Libre 60 Yumelody Lane Tamahere Hamilton 3284 melblibre@gmail.com Kimangeloclibre2002@gmail.com | |