

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU ROHE**

ENV-2022-AKL-000086

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

AND

IN THE MATTER of an appeal under Clause 14 of Schedule 1 of the RMA
against the decision of Waikato District Council on the
Waikato Proposed District Plan

BETWEEN **THE SURVEYING COMPANY LIMITED**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS BY GREIG
METCALFE
22 March 2022**

Harkness Henry
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Counsel Acting:
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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
PO BOX 7147
Wellesley Street
Auckland

Name of Person who wishes to be Party

1 GREIG METCALFE (**s 274 party**) wishes to be a party to the following proceedings: Clause 14(1) of First Schedule, RMA 1991, THE SURVEYING COMPANY LIMITED'S appeal (**the TSCL Appeal**) against part of the decision of Waikato District Council on the following plan:

(a) Waikato Proposed District Plan (**PDP**).

2 The s 274 party has made a submission about the subject matter of the proceedings.

Trade Competition

3 The s 274 party is not a trade competitor for the purposes of ss 308C or 308CA of the RMA 1991.

The Proceedings

4 The s 274 party is interested in all of the TSCL Appeal, but in particular in relation to *Rule 24.4.2 Subdivision – Te Kowhai and Tuakau*.¹

5 The s 274 party and his family have an ownership interest in the 68ha block on the western edge of Te Kowhai village. The properties are legally described as Lot 2 DP 456538 and Lot 3 DP 353526 and have the addresses 702 and 703A Horotiu Road respectively (**the Block**).

¹ See Village Zone/Large Lot Residential Zone Subdivision Appeal Points at page 8 of *Annexure 1 – Reasons and Relief Sought* to the TSCL Appeal.

- 6 The Block was initially zoned “Village” in the notified version of the Waikato PDP. The s 274 party made submissions and further submissions on the Waikato PDP to retain the Village zoning of the Block and to retain *Rule 24.4.2 Subdivision – Te Kowhai and Tuakau*.
- 7 The Block has now been zoned Future Urban Zone (**FUZ**) following the District Plan hearing process. The FUZ subdivision rules now apply to the Block. The s 274 party has lodged a Notice of Appeal which seeks that the Block’s Village zoning is reinstated and that the Village subdivision rules should apply to the Block.

Particular issues

- 8 The TSCL Appeal seeks to reinstate *Rule 24.4.2 Subdivision – Te Kowhai and Tuakau*.²

Relief Sought

- 9 The s 274 party supports the relief sought because:
- (a) Te Kowhai is specifically identified as a residential growth area in the PDP and this is supported by the objectives and policies of the PDP. This position is also consistent with other planning documents including Future Proof 2017, the Waikato Regional Policy Statement and Waikato 2070 (WDC’s Growth and Economic Development Strategy);
 - (b) The Block has essentially been given a deferred zoning status by zoning it in the FUZ, which relies on a plan change process before large lot residential development is able to proceed. This is not the most efficient or cost-effective use of resources in the District. The s 274 party has the ability to proceed with the subdivision and development of the Block in the medium term;
 - (c) The FUZ subdivision rules are too restrictive for an area which has been identified as a growth node. Rule SUBR-121 only allows for the creation of lots of a minimum of 40ha in the FUZ. As Te Kowhai has been recognised as being suitable for residential development in the future, together with the fact that Te Kowhai can be self-sufficient in terms of 3-waters infrastructure in the medium term, there will be both lost development potential and economic

² See above, n 1.

opportunities for Te Kowhai (and the District generally) if the subdivision standards in the FUZ do not allow for the creation of smaller lots; and

- (d) For these reasons, it would be appropriate for the subdivision rules in the FUZ to mirror those which existed in the Village Zone as notified.

Dispute resolution

- 10 The s 274 party agrees to participate in mediation or other alternative dispute resolution of the proceedings.



J Rajendram

Counsel for s 274 party

Date: 22 March 2022

Address for service of Person wishing to be a Party

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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.