

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

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

ENV-2022-AKL-000059

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

AND

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

AND

IN THE MATTER of an application under section 274 of the RMA

BETWEEN **TOP END PROPERTIES LIMITED**

Appellant

AND

WAIKATO DISTRICT COUNCIL

Respondent

**NOTICE OF INTENTION BY HAVELOCK VILLAGE LIMITED TO BE A PARTY
TO THE PROCEEDINGS UNDER SECTION 274**

Dated 22 March 2022

BUDDLE FINDLAY

Barristers and Solicitors
Auckland

Solicitor Acting: **Vanessa Evitt / Mathew Gribben**
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PO Box 1433 DX CP24024 Auckland 1140

TO: the Registrar
Environment Court
Auckland

1. Havelock Village Limited (**HVL**) wishes to be a party to the following proceedings under s 274 of the Resource Management Act 1991 (**RMA**):

Top End Properties Limited v Waikato District Council (ENV-2022-AKL-000059)

2. The proceedings concern an appeal lodged by Top End Properties Limited (**Top End**) against a decision of Waikato District Council (**Council**) on the Proposed Waikato District Plan (**PWDP**) which was publicly notified on 17 January 2022 (**Decision**).

Nature of interest in the proceedings

3. HVL owns significant landholdings in the southern Pokeno area, at 88, 242 (in part), 5 Yashili Drive and 278 Bluff Road (the **Site**). As part of its planned developments in Pokeno, HVL is seeking to develop the Site to enable a comprehensive and integrated residential development.
4. HVL made a submission about the subject matter of the proceedings.
5. HVL has also lodged its own appeal (*Havelock Village Limited v Waikato District Council* (ENV-2022-AKL-000072)) which seeks provision for Multi-Unit Housing in the General Residential Zone.

Extent of interest in the proceedings

6. HVL is interested in the parts of the appeal relating to the General Residential Zone including the following relief:
 - (a) The Proposed Plan be amended to incorporate the MDRS provisions of the Enabling Housing Act, on the Appellants' land shown as GRZ in the Decision, and appropriate related planning provisions (s 80E).
 - (b) In the alternative to MDRS, that the GRZ (or its successor name) for the Appellants' land contains planning provisions (objectives, policies and rules including assessment criteria) to enable medium density development by way of:
 - (i) allowing a minimum lot size of less than 450m² (SUB-R11(a)(i));
 - (ii) allowing up to three dwellings in the GRZ as a Permitted Activity;

- (iii) reintroducing the “multi-unit development” activity and provisions for the GRZ from the legacy Operative Waikato District Plan: Franklin Section, or reintroduction of the deleted multi-unit development rules in the Decision; and
 - (iv) introducing the Medium Density Residential Zone.
7. HVL supports the relief to the extent it is consistent with its own appeal and for reasons outlined in its own appeal, its evidence and legal submissions at the Council hearing and for the reasons outlined in the Top End appeal.

Alternative Dispute Resolution

8. HVL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED: 22 March 2022

HAVELOCK VILLAGE LIMITED

by its solicitors and authorised agents

Buddle Findlay:



Vanessa Evitt

Address for service of person wishing to be a party:

Havelock Village Limited

c/ - Vanessa Evitt / Mathew Gribben

Buddle Findlay

Level 18

188 Quay Street

PO Box 1433, DX CP24024

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Phone: 64 9 358 2555

Facsimile: 64 9 358 2055

Email: vanessa.evitt@buddlefindlay.com / mathew.gribben@buddlefindlay.com

Names and addresses of persons to be served with a copy of this notice:

Top End Properties Limited

C/ - Peter Fuller
Quay Chambers
P O Box 106215
Auckland City 1143

Email: peter.fuller@quaychambers.co.nz

Waikato District Council

Bridget Parham

Email: bridget.parham@tompkinswake.co.nz

Beth Ford

Email: beth.ford@tompkinswake.co.nz

Kirsty Ridling

Email: Kirsty.Ridling@waidc.govt.nz

Note to person wishing to be a party

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

- (a) the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- (b) the decision to hold an inquiry, if the proceedings are an inquiry; or
- (c) 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.