

**IN THE ENVIRONMENT COURT  
AUCKLAND REGISTRY**

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

**ENV-2022-AKL-000084**

**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** **POKENO WEST LIMITED AND WEST POKENO  
LIMITED**

Appellant

**AND**

**WAIKATO DISTRICT COUNCIL**

Respondent

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

**Dated 22 March 2022**

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**BUDDLE FINDLAY**

Barristers and Solicitors  
Auckland

Solicitor Acting: **Vanessa Evitt / Mathew Gribben**  
Email: [vanessa.evitt@buddlefindlay.com](mailto:vanessa.evitt@buddlefindlay.com) / [mathew.gribben@buddlefindlay.com](mailto:mathew.gribben@buddlefindlay.com)  
Tel 64 9 358 2555 Fax 64 9 358 2055  
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**):

*Pokeno West Limited & West Pokeno Limited v Waikato District Council* (ENV-2022-AKL-000084)

2. The proceedings concern an appeal lodged by Pokeno West Limited and West Pokeno Limited (together, **Pokeno West**) 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. 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**

5. 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 Medium Density Residential Standards (**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 450m<sup>2</sup> (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.
6. 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 Pokeno West appeal.

**Alternative dispute resolution**

7. 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:



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**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  
Auckland 1140

Phone: 64 9 358 2555

Facsimile: 64 9 358 2055

Email: [vanessa.evitt@buddlefindlay.com](mailto:vanessa.evitt@buddlefindlay.com) / [mathew.gribben@buddlefindlay.com](mailto:mathew.gribben@buddlefindlay.com)

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

**Pokeno West Limited & West Pokeno 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.