

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

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

ENV-2022-AKL-000051

UNDER

the Resource Management Act 1991
(the **Act**)

IN THE MATTER OF

an appeal pursuant to Clause 14(1) of
the First Schedule of the Act

BETWEEN

**FEDERATED FARMERS OF NEW
ZEALAND**

Appellant

AND

WAIKATO DISTRICT COUNCIL

Respondent

**NOTICE OF HUGHES DEVELOPMENTS LIMITED'S WISH TO BE A
PARTY TO PROCEEDINGS**

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LAWYERS
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TO: The Registrar

Environment Court

Auckland

- 1 Hughes Developments Limited (**HDL**) wishes to be a party to the following proceeding on the basis that it has an interest in this proceeding that is greater than the interest held by the general public:
 - (a) *Federated Farmers of New Zealand v Waikato District Council* (ENV-2022-AKL-000051), an appeal in relation to the Proposed Waikato District Plan (the **Appeal**) (the **PDP**).
- 2 HDL is the successor in title to land at 2339A Buckland Road, Tuakau (the **Land**).¹
- 3 That Land:
 - (a) is identified as appropriate for future residential zoning under the Tuakau Structure Plan;²
 - (b) is identified in a future growth cell in the *Waikato 2070* Development Strategy;³
 - (c) was proposed to be zoned General Residential in the notified PDP; and
 - (d) was the subject of a submission by its former owner who expressed support for that notified zoning during the PDP hearings.

¹ The land at 2339A Buckland Road, Tuakau is legally described as:

- Part Allot 5 PSH of Tuakau and Lot 1 DP 29843 (contained in record of title NA733/133); and
- Part Lot 1 DP 22667 (contained in record of title NA1830/93)

² Waikato District Council (2014), Tuakau Structure Plan, December 2014, Figure 13, at p 13.

³ Waikato District Council (2020) *Waikato 2070 – Growth and Economic Development Strategy*, adopted by Waikato District Council 19 May 2020, at p 28

- 4 Despite this and with very limited evidence before it, the Hearings Panel rejected the residential zoning of that Land in favour of a General Rural zone on the basis that:
- (a) The Land was part of a wider area that was identified as containing “high class” soils.
 - (b) Residential development in that area would be inappropriate given the purported existence of those soils and the related directions regarding protection of those soils within the Waikato Regional Policy Statement Te Tauāki Kaupapahere Te-Rohe O Waikato (**RPS**).⁴
- 5 In summary, notwithstanding all indications that the Land would be enabled for some development within the PDP, the Land has instead been identified as containing “high class” soils and has been zoned General Rural. Consequently, and most relevantly for the purposes of this Appeal, SUB-R40 and SUB-R41 will therefore apply to the Land, and will significantly constrain its potential utility in a manner which, in HDL’s submission, is inconsistent with the directions relating to high-class soils contained in the RPS (including, without limitation, Objective 3.26, Policy 14.2 and Method 14.2.1).
- 6 For its part, the Appeal (among other matters) seeks to better enable subdivision in General Rural zoned areas by deleting SUB-R40 and SUB-R41 and replacing them with rules which ensure that the types of subdivision specified in SUB-R40 and SUB-R41 can be assessed more appropriately as discretionary activities.⁵
- 7 For the reasons set out above, the outcome of that aspect of the Appeal will have a significant effect by way of advantage or disadvantage on HDL, which elevates HDL’s interest in the Appeal beyond that of the general public.⁶

⁴ Waikato District Council (2022) Reports and Decisions of the Waikato District Plan Hearings Panel *Decision Report 28D: Zoning – Tuakau*, dated 17 January 2022, at 4.36 – 4.44.

⁵ See page 33 – 36 of the Appeal.

⁶ *Purification Technologies Limited v Taupo District Council* [1995] NZRMA 197, at 7; *Mt Christina Ltd v Queenstown Lakes District Council* [2018] NZEnvC 190 at [64].

- 8 HDL is not a trade competitor for the purposes of section 308C or 308CA of the Act.
- 9 HDL is interested in part of the Appeal.
- 10 The particular issues in the Appeal that HDL is interested in are:
- (a) The proposed replacement of SUB-R40 and SUB-R41 with rules would provide for the types of subdivision specified in SUB-R40 and SUB-R41 to be assessed as discretionary activities (with any consequential amendments).
 - (b) All other issues incidental to the above.
- 11 To the extent that the Appeal seeks the deletion and replacement of SUB-R40 and SUB-41 in the manner proposed, HDL supports the relief sought.
- 12 HDL agrees to participate in mediation or other alternative dispute resolution of the Appeal.

DATED this 22nd day of March 2022



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