

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

I MUA I TE KOOTI TAIAO O AOTEAROA

ENV-2022-AKL-000036

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

AND

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

BETWEEN **DIRECTOR-GENERAL
OF CONSERVATION**

Appellant

AND **WAIKATO DISTRICT
COUNCIL**

Respondent

**NOTICE OF HYNDS PIPE SYSTEMS LIMITED AND THE HYNDS FOUNDATION
WISH TO BE PARTY TO AN APPEAL**

22 March 2022

 **Simpson Grierson**
Barristers & Solicitors

W S Loutit / S J Mitchell
Telephone: +64-9-358 2222
Facsimile: +64-9-307 0331
Email: sarah.mitchell@simpsongrierson.com
DX CX10921
Private Bag 92518
Auckland

To: The Registrar
Environment Court
Auckland

1. Hynds Pipe Systems Limited and the Hynds Foundation (together, **Hynds**) wish to be a party to the Director-General of Conservation (**DOC**)'s appeal (**Appeal**) in respect of the Waikato District Council (**Council**)'s decisions on the Proposed Waikato District Plan (**PWDP**). The Appeal has the Environment Court reference number ENV-2022-AKL-000036.
2. Hynds made submissions about the subject matter of the proceedings. In particular:
 - (a) Hynds Pipe Systems Limited made a submission¹ on the PWDP; and
 - (b) Hynds Pipe Systems Limited² and the Hynds Foundation³ made further submissions on the PWDP. Both further submissions supported the submission by Grander Investments Limited which sought changes to the Significant Natural Areas (**SNAs**) identified on 62 Bluff Road.
3. Hynds is not a trade competitor for the purposes of sections 308C or 308D of the Act.
4. Hynds is interested in the parts of the Appeal that relate to the identification of SNAs and in particular, the relief sought at paragraph 9(b) of the Appeal.
5. Hynds opposes the relief sought in the Appeal in respect of SNAs because:
 - (a) Hynds participated in the hearing on the PWDP that related to SNAs. The notified version of the PWDP identified two SNAs on the Hynds Foundation's land at 62 Bluff Road.
 - (b) Hynds presented expert ecological evidence which assessed the eastern SNA that had been identified on 62 Bluff Road and found that it did not meet the SNA criteria in the PWDP. In the Council's decision this eastern SNA was removed from the PWDP's maps.

1 Submission number 981.

2 Further submission number 1341.

3 Further submission number 1306.

- (c) Hynds is opposed to the amendments sought in the Appeal because the relief would create uncertainty and have potential adverse implications on Hynds' ability to use or develop the part of 62 Bluff Road zoned Heavy Industrial. It will also allow the resource consent process to revisit a matter which has already been decided upon through the PWDP hearings process.

- (d) The changes sought to the PWDP in the Appeal:
 - (i) reduce the transparency of the PWDP if an area can be determined by some future assessment on behalf of the Council to be an SNA, regardless of whether it is shown on the relevant planning maps as such;

 - (ii) will result in applicants for resource consent incurring additional costs in having to provide an assessment showing that an area is not an SNA, or to respond to a contrary assessment prepared by an ecologist representing another party such as the Council; and

 - (iii) do not balance the ecological outcomes of applying a SNA to a site against other relevant planning considerations such as enabling reasonable development on land zoned for heavy industrial use or facilitating the establishment of a regionally significant activity.

6. Hynds agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Auckland this 22nd day of March 2022



Bill Loutit / Sarah Mitchell
Counsel for Hynds Pipe Systems
Limited and the Hynds Foundation

Address for service on Hynds:

Simpson Grierson
Solicitors
88 Shortland Street
Private Bag 92518
Auckland
Attention: Bill Loutit

Telephone: 09-358 2222
Facsimile: 09-307 0331
Email: bill.loutit@simpsongrierson.com / sarah.mitchell@simpsongrierson.com