

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2022-AKL-000048

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

AND

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

BETWEEN **WAKA KOTAHI NEW ZEALAND
TRANSPORT AGENCY**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**To: The Registrar
Environment Court – Auckland**

**NOTICE OF MURRAY FULLERTONS WISH TO BE A PARTY TO PROCEEDINGS
UNDER S274 OF THE ACT**

21 March 2022

NAME OF PERSON WHO WISHES TO BE PARTY

1. Murray Fullerton wishes to be a party to the appeal proceedings (ENV-2022-AKL-000048) (the '**Appeal**') Waka Kotahi New Zealand Transport Agency ('**Waka Kotahi**') and Waikato District Council ('**Respondent**') in relation to the Respondent's decisions on the Proposed Waikato District Plan notified 17 January 2022.
2. Mr Fullerton did not make a submission or further submission on the subject matter of the Appeal. Notwithstanding this, Mr Fullerton has an interest in the proceedings greater than the public generally as his property at 2466 Great South Road, Pokeno adjoins State Highway 1 (**SH1**) and thus would be greatly impacted by the relief sought by Waka Kotahi as shown in Figure 1 below.



Figure 1: Extent of Mr Fullerton's land captured by 100m setback from SH1. (Source: Birch)

3. Mr Fullerton is not a trade competitor for the purposes of section 308C or 308CA of the Act.

THE PROCEEDING

4. Mr Fullerton is interested in all of the proceedings, namely the amendments Waka Kotahi seek to place on land within proximity to state highways.

RELIEF SOUGHT

5. Mr Fullerton opposes the relief sought by Waka Kotahi in its Notice of Appeal at Annexure A relating to the new provisions proposed for sensitive land uses within 100m of a state highway. The setbacks of the Proposed Waikato District Plan ('**PWDP**') are sought to be maintained.

REASONS FOR RELIEF SOUGHT

6. The decision correctly concluded that the setbacks as contained in the PWDP are a more appropriate approach that strikes a suitable balance between the internalisation of effects and placing additional requirements on landowners;
7. The decision correctly concluded that the setback approach provides more clarity for the community whilst offering protection against reverse sensitivity effects.
8. Mr Fuller is an example of a landowner unaware of the possible consequences of the submissions as noted in paragraph 207 of the decision.
9. The decision correctly concurs with expert evidence provided that alterations to existing dwellings within proximity of a state highway does not constitute a new reverse sensitivity effect being created.

DISPUTE RESOLUTION

10. Mr Fullerton agrees to participate in mediation or other alternative dispute resolution of the Appeal.

DATED this 21st day of March 2022



Sir William Birch
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For and on behalf of Murray Fullerton

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