

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

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

Court No ENV-2022-AKL-000073

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14 of Schedule 1 of the RMA
against the decision of Waikato District Council on the
Waikato Proposed District Plan

BETWEEN **WAIKATO REGIONAL COUNCIL**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**NOTICE OF WISH TO BE PARTY TO PROCEEDINGS BY MARSHALL AND
KRISTINE STEAD
21 March 2022**

Harkness Henry
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Section 274 party Solicitor:
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Counsel Acting:
J Rajendram
(jay.rajendram@harkness.co.nz)

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

To The Registrar
Environment Court
PO Box 7147
Wellesley Street
Auckland

Name of Person who wishes to be Party

- 1 MARSHALL and KRISTINE STEAD (**s 274 party**) wish to be a party to the following proceedings: Clause 14(1) of First Schedule, RMA 1991, WAIKATO REGIONAL COUNCIL'S appeal (**the WRC Appeal**) against part of the decision of Waikato District Council on the following plan:
 - (a) Waikato Proposed District Plan (**PDP**).
- 2 The s 274 party has made a submission about the subject matter of the proceedings.

Trade Competition

- 3 The s 274 party is not a trade competitor for the purposes of ss 308C or 308CA of the RMA 1991.

The Proceedings

- 4 The s 274 party is interested in all of the WRC Appeal, but in particular the relief sought in respect of Decision Report 9: Significant Natural Areas (**Decision Report 9**) on the PDP.
- 5 The s 274 party lives at 703b Te Kowhai Road, Te Kowhai, which is legally described as Lot 2 DP 37883 and Lot 1 DP 83067 (**the Property**). A SNA was identified on the Property in the notified version of the PDP. The s 274 party made a submission to remove the SNA over the Property. Decision Report 9 granted the relief sought by the s 274 party and the SNA was removed.

Particular issues

- 6 The relief sought at paragraph 10 of the Appeal, in particular:
- (a) Paragraph 10(a) – *“Retain the SNA maps as notified in the Proposed DP, unless evidence was submitted during the district plan hearing process from a qualified ecologist establishing that the SNA or part of the SNA does not meet the criteria set out in 11A of the WRPS”*; and
 - (b) Paragraph 10(b) – *“Not accept the Decision’s full or partial removal of SNAs from the notified SNA maps, where those SNAs form part of a larger SNA unit that has not been assessed in its entirety by Mr John Turner in his report ‘Waikato District Plan Review Significant Natural Areas Assessment’ dated 14 October 2020, prepared in support of the S42A report for Hearing 21A.”*

Relief sought

- 7 The s 274 party opposes the relief sought because:
- (a) granting the relief would mean that the SNA over the Property would be reinstated. This would limit what the s 274 party could do with the Property;
 - (b) the SNA which had been identified on the Property in the notified version of the PDP maps is largely man-made. It is made up of two man-made ponds and consists of some recent native planting. The s 274 party’s driveway runs through the area. As a result, the s 274 party considers it is unreasonable to reinstate the SNA over the Property;
 - (c) there has been no expert assessment of the vegetation on the Property that justifies SNA status; and
 - (d) reinstating the SNA over the Property will not promote the sustainable management of resources and will not achieve the purpose of the RMA.

Dispute resolution

8 The s 274 party agrees to participate in mediation or other alternative dispute resolution of the proceedings.



J Rajendram

Counsel for s 274 party

Date: 21 March 2022

Address for service of Person wishing to be a Party

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Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after–

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