

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2022-AKL-000073

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

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

AND

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

BETWEEN **WAIKATO REGIONAL COUNCIL**
Appellant

AND **WAIKATO DISTRICT COUNCIL**
Respondent

**NOTICE OF OHINEWAI LANDS LIMITED'S WISH TO BE A PARTY TO
PROCEEDINGS**

Dated: 21 March 2022

Solicitors on Record

WYNN WILLIAMS LAWYERS
SOLICITOR — MIKE DOESBURG

PO Box 2401, Shortland Street, Auckland 1140
P 09 300 2600 F 09 300 2609 E mike.doesburg@wynnwilliams.co.nz

Counsel

Dr R A MAKGILL
BARRISTER

PO Box 77-037, Mt Albert, Auckland 1350
P 09 815 6750 E robert@robertmakgill.com

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

To The Registrar
Environment Court
Auckland

Name of Person who wishes to be Party

1. Ohinewai Lands Limited (**OLL**) wish to be a party to the following proceedings:
 - a. ENV-2022-AKL-000073 - An appeal by Waikato Regional Council (**WRC**) against Waikato District Council's (**WDC**) decisions on Significant Natural Areas and Flood Plain Management Areas under the Proposed Waikato District Plan (**PWDP**).
2. OLL:
 - a. Is a person with an interest in the proceedings greater than the general public, being the owner of Future Urban Zone (**FUZ**) and Rural Zone land affected by the appeal; and
 - b. Made submissions and further submissions on the PWDP concerning the Ohinewai Zone and Ohinewai FUZ affected by the appeal.
3. OLL participated in the District Plan hearing processes for the Ohinewai Zone (Hearing 19), Natural Hazards - Ohinewai - (Hearing 27), and Ohinewai FUZ (Hearing 25).
4. OLL sought, amongst other things, FUZ zoning of a parcel of land owned by OLL (parts of titles SA33A/52 and SA33A/444) which adjoins the Ohinewai Zone. The WDC decision approved that rezoning. The balance of OLL's land holdings are zoned Rural.
5. The WRC's proposed changes to the Significant Natural Area and Flood Plain Management Area provisions would result in uncertainty for landowners and have the potential to inappropriately constrain development of OLL's land,

including planned urban development within the Ohinewai FUZ and use of the FUZ and Rural Zone land for farming activities.

Trade competition

6. OLL is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (**RMA**).

The Proceeding

7. OLL is interested in all of the proceedings.

Particular Issues

8. OLL is particularly interested in the following issues:
 - a. The mapping of Significant Natural Areas (**SNAs**) in the PWDP;
 - b. The proposed classification of SNAs where they are not mapped in the PWDP;
 - c. The proposed classification of Flood Plain Management Areas where they are not mapped in the PWDP.

Relief sought

9. OLL opposes the relief sought under WRC's Notice of Appeal and seeks that the relief sought by WRC is declined.

Reasons for relief sought

10. OLL's reasons for the relief sought include:

General

- a. The outcome sought by WRC:
 - i. Is inconsistent with the sustainable management purpose of the Act;
 - ii. Would result in uncertainty for OLL and other landowners; and

- iii. Would have an adverse effect on the use of FUZ land for future urban development and housing supply.

Significant Natural Areas

- b. The Hearing Panel was correct in finding that SNAs should be limited to areas which are mapped in the PWDP.
- c. Applying the SNA classification to unmapped areas would create uncertainty as to compliance with and enforcement of the PWDP's rules.
- d. An activity status should be plain on the face of a plan and not dependent on a separate assessment outside Schedule 1 of the Act (e.g., the Appendix 2 criteria for determining significance of indigenous biodiversity).

Flood Plain Management Areas

- e. The Hearing Panel was correct in finding that Flood Plain Management Areas should be limited to areas which are mapped in the PWDP.
- f. Applying the Flood Plain Management Areas classification to unmapped areas would create uncertainty as to compliance with and enforcement of the PWDP's rules.
- g. An activity status should be plain on the face of a plan and not dependent on a separate assessment outside Schedule 1 of the Act (e.g., flood modelling assessment).

Dispute resolution

- 11. OLL agrees to participate in mediation or other alternative dispute resolution of the proceedings.



.....

M J Doesburg

Solicitor for Ohinewai Lands Limited

Date: 21 March 2022

Address for service of Person wishing to be a Party

Wynn Williams

Level 25, Vero Centre

48 Shortland Street

Auckland 1010

PO Box 2401

Shortland Street

Auckland 1140

Telephone: 09 300 5755

Email: mike.doesburg@wynnwilliams.co.nz

Contact person: Mike Doesburg

Copy to Dr Robert Makgill

Barrister

Email: robert@robertmakgill.com