

BEFORE THE ENVIRONMENT COURT
AUCKLAND

ENV-2022-AKL-00077

I MUA I TE KŌTI TAIAO
TĀMAKI MAKĀURAU ROHE

UNDER the Resource Management Act 1991

IN THE MATTER of an appeal pursuant to Clause 14(1) of Schedule 1 of the Act

BETWEEN **HOUNSELL HOLDINGS LIMITED**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

NOTICE OF PORTER GROUP HOLDINGS LIMITED'S WISH TO BE A PARTY TO PROCEEDINGS UNDER SECTION 274 OF THE RESOURCE MANAGEMENT ACT 1991

Dated 22 March 2022

Instructing Solicitors Webb Gould Solicitors H.G Webb house 1110 Victoria Street Hamilton Ph: 078343311 Jon.webb@webbgould.co.nz		Counsel Acting: Kate Barry-Piceno Barrister Chambers: Level 1/ 9 Prince Ave, Mt Maunganui 3116 Mailing address: 5A Wells Ave, Mt. Maunganui 3116 M: +64 21 605 832 E: kate@kbplawyer.co.nz
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To: The Registrar
Environment
Court
PO Box 7147
AUCKLAND 1142

1. **Porter Group Holdings Limited (“Porters”)** wishes to be party to:

ENV-2022-AKL-000077, being the appeal lodged by **HOUNSELL HOLDINGS LIMITED** (“Hounsell”) under clause 14(1) of the First Schedule to the Resource Management Act 1991 against parts of the Waikato District Council’s decisions on the proposed Waikato District Plan (“Proposed District Plan”).

2. Porters has an interest in the proceedings greater than the public generally because the appeal seeks rezoning of land proximate and adjacent to land which Porters has an interest in at Te Kowhai, Hamilton, identified in spatial plans attached as **Annexure A** and **Annexure B**. This land is held in the name of one of Porters landholding companies, Empire Corporation Limited, with its shareholdings held by Porter Group Limited.

3. The land is legally described as:

- a 102 Ruffell Road Horotiu Hamilton - Pt Allot 10 Pukete Parish So 417000, Pt Allot 215 Psh Of Pukete So 417000, 13 So 416124 Sec 2 So 473918 Sec 25 So 473918
- b Onion Road Burbush Hamilton - Alt Pt 10 Parish Of Pukete, Alt Pt 215 Parish Of Pukete, Sec 2 So 455601, Sec 20 So 416124 Sec 4 So 416124 Sec 6 So 450644 Sec 7 So 450644 Sec 8 So 450644 Sec 9 So 416124 Sec 9 So 450644

4. Porters did not submit as a submitter or further submitter on the Waikato District Plan, but Porters has an interest greater than the public generally, as Porters owns land adjacent/proximate to the Hounsell’s site.

5. The land has been bisected by the Waikato Expressway, so has been detrimentally affected by urbanisation and changes from its previous rural farming use.

6. Porters is not a trade competitor for the purposes of section 308D of the Act.

7. Porters is interested in the part of the appeal that relates to the property at 284 Onion Rd and 268 Te Kowhai Road, as these sites are proximate to land which Porters has interests in at Onion Rd and 102 Ruffell Rd.

Porters position on the Hounsell's Appeal

8. Hounsell is appealing parts of the Waikato District Council's decisions on the Proposed District Plan, concerning the zoning of land at two addresses, 284 Onion Road and 268 Te Kowhai Road, Te Kowhai.
9. Hounsell sought to rezone both properties from Rural Zone to Residential Zone in its original submission on the Proposed District Plan. It subsequently amended this submission to seek the properties be rezoned Future Urban. The Council's decision rejected Hounsell's submission for rezoning.
10. Porters supports the relief sought in Hounsell's appeal.
 - (a) Porters wishes to be a party to the proceeding so that it can participate in support of quality future urban planning outcomes and zoning for the Te Kowhai area, and coordinated infrastructure and development within Hamilton City to include both Hounsell and Porters land in the future;
 - (b) The timing in which those outcomes are delivered.
11. Porters agrees to participate in mediation or other alternative dispute resolution that is undertaken for this proceeding.

Signed by:



Kate Barry-Piceno

Legal Counsel on behalf of Porter Group Limited

March 22 2022

Address for service person wishing to be a party:

Porter Group Limited
c/- Kate Barry-Piceno
Barrister
Mauao Legal Chambers, 1/9 Prince Ave Mount Maunganui 3116
Mailing address: 5A Wells Ave, Mt. Maunganui 3116
M: +64 21 605 832 |
E: kate@kbplawyer.co.nz |

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.

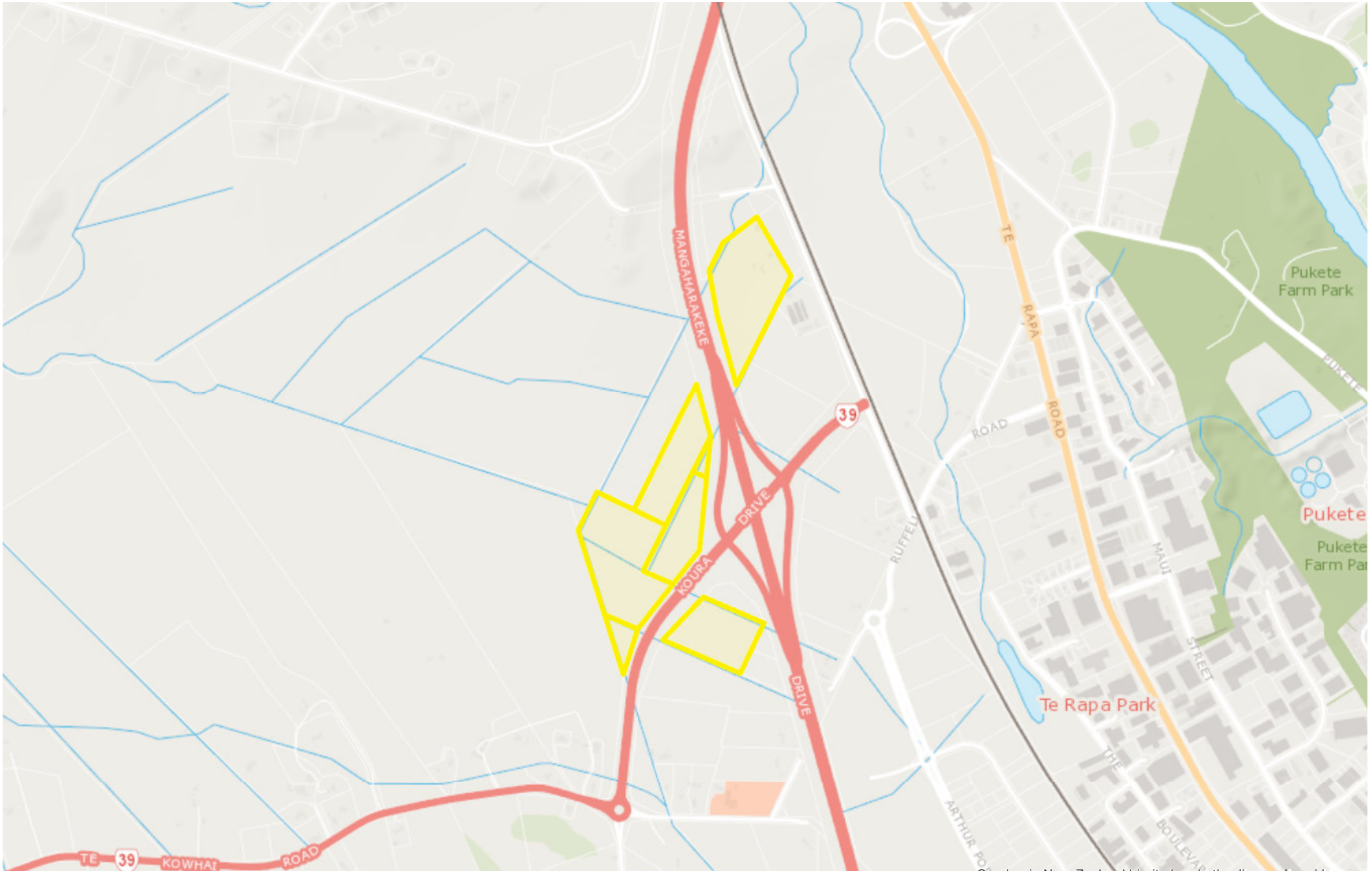
The notice must be signed by you or on your behalf.

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

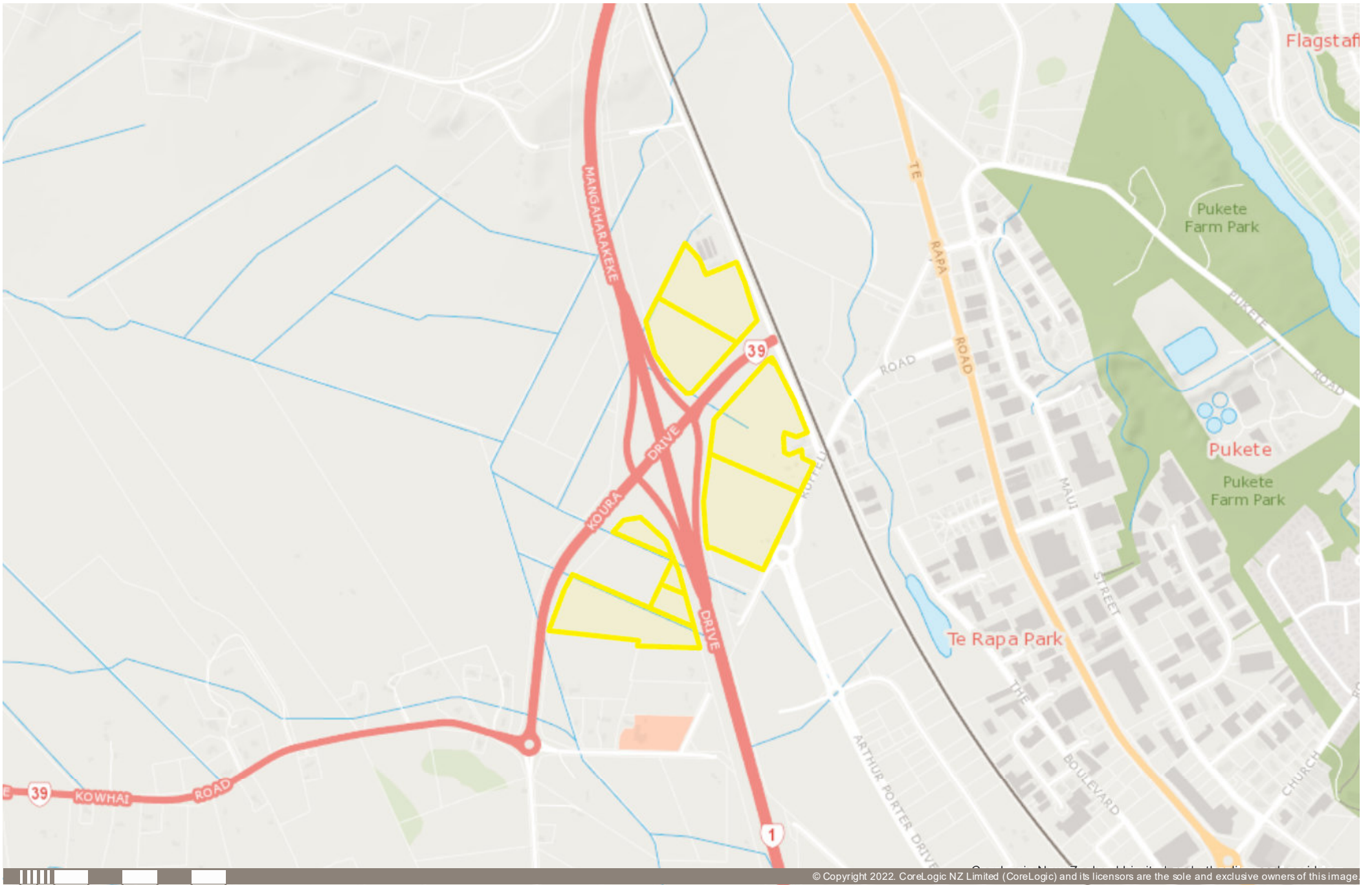
If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.



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