

BEFORE THE ENVIRONMENT COURT  
AUCKLAND REGISTRY

I MUA I TE KOOTI TAIAO O AOTEAROA

**ENV-2022-AKL-000064**

**IN THE MATTER**            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**                      **JOHN ROWE**

**Appellant**

**AND**

**WAIKATO DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF WAIKATO REGIONAL COUNCIL'S WISH TO BE PARTY TO  
PROCEEDINGS**

**DATED 22 MARCH 2022**

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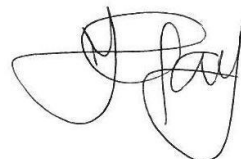
**To: The Registrar  
Environment Court  
Auckland**

1. The Waikato Regional Council (**WRC**) gives notice that it wishes to be a party to the appeal by John Rowe (ENV-AKL-2022-00064) against a decision of the Waikato District Council on submissions on its Proposed Waikato District Plan (**Proposed DP**).
2. WRC made a submission dated 18 September 2018 about the subject matter of the proceedings. WRC supported the notified rule 22.4.1.2 (subject to amendments relating to availability of water supply, wastewater services and stormwater management) but did not specifically submit on rules 23.4.2 RD1(a) & 24.4.2 RD1(a). However, the issue is the same across all three rules; and WRC has an interest in the proceedings greater than the general public.
3. WRC is not a trade competitor for the purposes of 308C or 308CA of the Resource Management Act 1991.
4. WRC is interested in the following parts of the appeal:
  - a. The request to amend Rule 22.4.1.2 RD1(a)(iv) to enable a minimum lot size of 2000m<sup>2</sup>.
  - b. The request to amend Rules 23.4.2 RD1(a) & 24.4.2 RD1(a) to enable a minimum lot size of 2000m<sup>2</sup> in the Country Living and Village (Rural Lifestyle) zones.
5. The general reasons for WRC's interest in the proceedings are:
  - (a) WRC sets rules for On-Site Domestic Sewage Treatment and Disposal Systems through the Waikato Regional Plan (WRP).
  - (b) The WRP sets a permitted activity standard for On-Site Domestic Sewage Treatment and Disposal Systems of a site area of 2500m<sup>2</sup> (3.5.7.5 Permitted Activity Rule – Discharge of Domestic Sewage from New On-Site Systems).
  - (c) Resource consent is required for On-Site Domestic Sewage Treatment and Disposal Systems that are on sites

less than 2500m<sup>2</sup> (3.5.7.7 Discretionary Activity Rule – Other On-Site Sewage Discharges).

- (d) Allowing subdivision in rural zones down to 2000m<sup>2</sup> has the potential for a lot to be created that then may not be able to obtain resource consent for an On-Site Domestic Sewage Treatment and Disposal Systems under the WRP.
6. WRC opposes the relief sought in the appeal because it has the potential to:
- (a) create unrealistic and unsustainable expectations in terms of the level of subdivision that can be achieved; and
  - (b) create inefficient processes due to the potential to obtain resource consent for subdivision but not be able to obtain resource consent for On-Site Domestic Sewage Treatment and Disposal Systems on the lots created.
7. Without limiting the generality of the above, the relief sought by the appellant will not achieve the purpose of the Act.
8. WRC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** at Hamilton this 22nd day of March 2022



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**Tracey May**  
Director Science, Policy and Information  
Waikato Regional Council

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