

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2021-AKL-000077

**I MUA I TE KŌTI TAIAO
TĀMAKI MAKĀURAU ROHE**

UNDER	the Resource Management Act 1991
IN THE MATTER	of of an appeal pursuant to Clause 14(1) of the First Schedule to the Act
AND	
IN THE MATTER	of decisions on the Proposed Waikato District Plan
BETWEEN	THE RALPH ESTATES
	Appellant
AND	WAIKATO DISTRICT COUNCIL
	Respondent

**NOTICE BY AMBURY PROPERTIES LIMITED OF WISH TO BE PARTY TO
APPEAL PURSUANT TO SECTION 274 OF THE RESOURCE MANAGEMENT
ACT 1991**

Dated 22 July 2021



S J Berry / K A Storer

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1. **AMBURY PROPERTIES LIMITED ("APL")** wishes to be party to the following proceedings:

The appeal lodged by the **RALPH ESTATES** under Clause 14(1) of the First Schedule to the Resource Management Act 1991 ("RMA") against the decision of the Waikato District Council to authorise the rezoning of land at Ohinewai in response to the submission by APL in respect of the Proposed Waikato District Plan.

2. APL has an interest in the proceedings that is greater than the general public as the appeal is against the decision granting the relief sought by APL in its submission to Waikato District Council on the Proposed Waikato District Plan seeking rezoning of land owned by APL at Ohinewai ("the Decision").
3. APL is not a trade competitor for the purposes of section 308D of the RMA.
4. APL is interested in all aspects of the proceedings.
5. APL opposes the relief sought by the Appellant in its entirety for the following reasons:
 - (a) The Decision establishes the Ohinewai Zone ("Ohinewai Zone") on land at Ohinewai ("the Site").
 - (b) The Appellant seeks that pursuant to section 85(3A) of the RMA the Court directs the Waikato District Council to do whichever of the following the Waikato District Council considers appropriate:
 - (i) Delete the Ohinewai zone provisions and apply a Rural zoning to the Site; or
 - (ii) Acquire under the Public Works Act 1981 all of the Ralph Estates' interest in land affected by the Decision.
 - (c) The Ohinewai Zone provisions do not render the land "incapable of reasonable use". Mining the coal resource under the Site would not be economically or practically viable, and in effect those mineral rights have already been "sterilised" as a result of factors unrelated to the Ohinewai Zone.

- (d) Any mineral extraction would have significant actual or potential effects on any aspect of the environment or on any person.
 - (e) Subject to the amendments to the Ohinewai Zone provisions sought by APL in its appeal on the Waikato District Council's decision:
 - (i) The decision of the Waikato District Council is consistent with all relevant statutory documents including in particular the National Policy Statement for Urban Development 2020, the Waikato Regional Policy Statement and the RMA; and
 - (ii) The Ohinewai zone provisions are the most appropriate to achieve the outcomes sought by the zoning;
 - (iii) The effects of the activities that are enabled by the Ohinewai Zone are appropriately managed by the Ohinewai Zone provisions, and will result in net positive environmental benefits.
6. APL agrees to participate in mediation or other alternative dispute resolution of this proceeding.

Dated at Auckland this 22nd day of July 2021

AMBURY PROPERTIES LIMITED by their solicitors and duly authorised agents
BERRY SIMONS:



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