

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

ENV-2021-

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

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

AND

IN THE MATTER of an Appeal under clause 14(1) of the First Schedule of the RMA

BETWEEN **AMBURY PROPERTIES LIMITED**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**NOTICE OF LUMSDEN FAMILY TRUST WISH TO BE PARTY TO
PROCEEDINGS SECTION 274, RESOURCE MANAGEMENT ACT 1991
27 July 2021**

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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 The LUMSDEN FAMILY TRUST (Lumsden) wishes to be a party to the following proceedings: Clause 14(1) of the First Schedule, Resource Management Act 1991, Ambury Properties Limited (APL) appeal against the decision of Waikato District Council on the Proposed Waikato District Plan.
- 2 Lumsden has not made a submission on the subject matter but has an interest greater than the public for the following reasons:
 - (a) Lumsden is the adjacent land owner to the rezoning. A dairy farm is operated from the Lumsden's land.
 - (b) Lumsden has been considered as an affected party to the Fast-Track consent that Ambury has submitted to the Environmental Protection Authority (EPA) in relation to constructing a foam factory with associated rail siding and road realignment. The rail siding plan requires land owned by Lumsden and Lumsden was asked to provide comments to the EPA.
 - (c) Issues raised in the appeal directly affect Lumsden's land: in particular drainage and flood risk to the Lumsden land.

Trade competition

- 3 Lumsden is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

The Proceedings

- 4 Lumsden is interested in all the proceedings and in particular, amendments sought by APL in relation to:

- (a) Objective OHI-EIT-07(1) – Requirement for hydrological characteristics of natural drainage process to be retained; and
- (b) Policy OHI-EIT-P20(1)(E) - Subdivision, land use and development not to increase the flow of stormwater runoff onto adjacent land or floodplains.

Particular Issues

- 5 Lumsden is interested in the appeal as a whole and in the following particular issues:
- (a) The amendment sought to Objective OHI-EIT-07(1) to avoid the comparison of predevelopment hydrological conditions to new development hydrological conditions.
 - (b) The amendment sought to Policy OHI-EIT-P20(1)(e) that stormwater runoff onto adjacent land or floodplains be permitted as long as it is not more than minor compared to not being permitted at all.

Relief sought

- 6 Lumsden opposes the relief sought because:
- (a) Lumsden is an adjoining landowner to the rezoning and is concerned at potential future impacts of drainage on its land.
 - (b) Allowing for a more than minor threshold creates ambiguity when potential stormwater effects have the ability to be calculated. The objective and policy need to recognise the potential for increased stormwater on adjacent properties and require mitigation to avoid any adverse effects on those adjacent properties.
 - (c) Lumsden is interested in any outcomes that could impact on its land or on the use and/or occupation of its land.

Dispute resolution

7 Lumsden agrees to participate in mediation or other alternative dispute resolution of the proceedings.

CFM

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Dr J B Forret and C F Muggeridge
Solicitor for Person wishing to be a Party
Date: 27 July 2021

Address for service for the above named party:

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