

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2022-AKL-000051

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

AND

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

BETWEEN **Federated Farmers**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**To: The Registrar
Environment Court – Auckland**

**NOTICE OF BIRCH SURVEYORS LIMITED WISH TO BE A PARTY TO
PROCEEDINGS UNDER S274 OF THE ACT**

22 March 2022

NAME OF PERSON WHO WISHES TO BE PARTY

1. Birch Surveyors Limited (**'Birch'**) wish to be a party to the appeal proceedings (ENV-2022-AKL-000051) (the **'Appeal'**) between Federated Farmers and Waikato District Council (**'Respondent'**) in relation to the Respondent's decisions on the Proposed Waikato District Plan notified 17 January 2022.
2. Birch did not make a submission and further submission on the subject matter of the Appeal. Notwithstanding this, Birch have an interest in the proceedings greater than the public generally as demonstrated below:
 - (a) Birch are a well-established land development consultancy with a head office in Pukekohe. Birch have successfully managed and delivered many conservation lot subdivision applications in the North Waikato over its history. On this basis it is considered that Birch are well-experienced and knowledgeable in this subdivision mechanism;
 - (b) Birch oversee a sizeable Waikato District client base many of who have an interest in pursuing conservation lot subdivision; and
 - (c) Birch support the ecological benefits associated with conservation lot subdivision.
3. Birch are not a trade competitor for the purposes of section 308C or 308CA of the Act.

THE PROCEEDING

4. Birch are particularly interested in Federated Farmers seeking to reinstate conservation lot subdivision.

RELIEF SOUGHT

5. Birch support the relief sought by Federated Farmers in its Notice of Appeal in Schedule 1 as it relates to reinstating conservation lot subdivision.

REASONS FOR RELIEF SOUGHT

6. The decision report incorrectly concluded that the regulatory framework contains requirements that effectively mirror those that are generally required under the conservation lot pathway e.g. physical and legal protection.

7. The decision does not give effect to higher order documents such as the Waikato Regional Policy Statement and National Policy Statement on Freshwater Management 2020 which infer that the use of incentives for the protection of ecological features is an appropriate mechanism.

DISPUTE RESOLUTION

8. Birch agree to participate in mediation or other alternative dispute resolution of the Appeal.

DATED this 22th day of March 2022



Sir William Birch
FNZIS LCS Registered Professional Surveyor
For and on behalf of Birch Surveyors Limited

Address for service:

Birch Surveyors Limited
PO Box 475
Auckland
Pukekohe 2340

Phone: 027 294 8321

Email: sirwilliambirch@bslnz.com

Contact person: Sir William Birch