

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

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

ENV-2022-AKL-000082

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

AND

IN THE MATTER of an appeal under Clause 14 of Schedule 1 of the RMA
against the decision of Waikato District Council on the
Waikato Proposed District Plan

BETWEEN **MARSHALL AND KRISTINE STEAD**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS BY
GREIG METCALFE
22 March 2022**

Harkness Henry
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Counsel Acting:
J Rajendram
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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
PO Box 7147
Wellesley Street
Auckland

Name of Person who wishes to be Party

- 1 GREIG METCALFE (**s 274 party**) wishes to be a party to the following proceedings: Clause 14(1) of First Schedule RMA 1991, MARSHALL and KRISTINE STEAD's appeal (**the Stead Appeal**) against part of the decision of Waikato District Council on the following plan:
 - (a) Waikato Proposed District Plan (**PDP**)
- 2 The s 274 party has made a submission about the subject matter of the proceedings.

Trade competition

- 3 The s 274 party is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

The Proceedings

- 4 The s 274 party is interested in all of the Stead Appeal, but in particular the relief sought in respect of Zoning (Te Kowhai) – Decision Report 28J (**Zoning decision**) and Future Urban Zone – Decision Report 24 (**FUZ decision**).
- 5 The Steads live at 703B Te Kowhai Road, Te Kowhai 3288 (**the Stead property**) which is legally described as Lot 2 DP 37883 and Lot 1 DP 83067. The Stead property was initially zoned 'Village' in the notified version of the PDP, but is now zoned FUZ following the District Plan hearing process.

- 6 The s 274 party and his family have an ownership interest in the block on the western edge of Te Kowhai Village. The properties have the addresses 702 and 703A Horotiu Road and are legally described as Lot 2 DP 456538 and Lot 3 DP 353526 respectively (**the Block**). The Block is west of the Stead property.
- 7 The s 274 party made a submission to retain the “Village” zoning over the Block. The s 274 party has also lodged a Notice of Appeal on the Zoning Decision and the FUZ decision in relation to the Block and Te Kowhai (**s 274 Appeal**).

Particular Issues

- 8 The relief sought in Annexure A of the Stead Appeal:
- (a) Zoning Decision - Planning Maps to be amended to show the Stead Property in the “Village” zone or with an appropriate alternative live urban zoning; and
 - (b) FUZ Decision - Replacement of the FUZ Subdivision rules with those that applied to the Village Zone as notified in the PDP.

Relief sought

- 9 The s 274 party supports the relief because:
- (a) Retaining the “Village” zoning for both the Stead property and the Block would allow for large lot residential development which would be consistent with other planning documents, including the Waikato Regional Policy Statement. Assigning the Block and the Stead property with “Village” zone status or a suitable live urban zoning would assist with the economic viability aspects of extending core infrastructure to Te Kowhai.
 - (b) The FUZ subdivision rules are too restrictive for an area identified for growth such as Te Kowhai. Rule SUB-R121 only allows for the creation of lots of a minimum of 40ha in the FUZ. There will be lost development potential and economic opportunities for Te Kowhai if the subdivision standards in the FUZ do not allow for the creation of smaller lots. It would be appropriate for the subdivision rules in the FUZ to be the same as those which existed in the Village Zone as notified.

- (c) On this basis, the s 274 party has sought the retention of the “Village” zoning over the Block and for the FUZ subdivision rules to be replaced with the Village subdivision rules in the s 274 Appeal.

Dispute resolution

- 10 The s 274 party agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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J Rajendram

Counsel for s 274 party

Date: 22 March 2022

Address for service of Person wishing to be a Party

Company/Organisation: Harkness Henry Lawyers
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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.