

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

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

ENV-2022-AKL-000085

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

AND

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

BETWEEN **NZTE OPERATIONS LIMITED**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

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

Harkness Henry
SPECIALIST LAWYERS

www.harknesshenry.co.nz

Phone (07) 838 2399
Fax (07) 839 4043
Address Level 8, KPMG Centre,
85 Alexandra Street, Hamilton 3204
Mail Private Bag 3077, Hamilton 3240,
New Zealand, DX GP 20015

Section 274 Solicitor:
Dr J B Forret
(joan.forret@harkness.co.nz)

Counsel Acting:
J Rajendram
(jay.rajendram@harkness.co.nz)

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, NZTE OPERATIONS LIMITED'S appeal (**the NZTE Appeal**) against part of the decision of the 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 NZTE Appeal, but in particular provisions relating to the Te Kowhai Airpark Zone (**TKAZ**).
- 5 The s 274 party and his family have an ownership interest in the 68 ha block on the western edge of Te Kowhai Village at 702 and 703A Horotiu Road, legally described as Lot 2 DP 456538 and Lot 3 DP 353526 respectively (**the Block**). The Block is in close proximity to Te Kowhai Aerodrome.
- 6 The s 274 party made submissions and further submissions on provisions of the PDP which relate to TKAZ. The s 274 party has also lodged a Notice

of Appeal in relation to the TKAZ and is concerned with all aspects of operation that may affect development on the Block or affect the established trees growing on the Block.

Particular Issues

7 The relief sought in relation to the provisions on the TKAZ as per paragraph 16 of the NZTE Appeal, in particular:

- (a) 16(b) – *“Rule ANOC-R3(2)(a) is amended to make provision for non-compliance with Transitional Side Surfaces as a non-complying activity”*;
- (b) 16(c) - *“Any alternative relief of like effect”*; and
- (c) 16(d) – *“Such further or consequential relief as may be necessary to address the issues raised in this appeal”*.

Relief sought

8 The s 274 party has an interest in the outcome of the NZTE Appeal for the reasons set out above.

9 At this stage, the s 274 party neither opposes nor supports the relief sought in the NZTE Appeal.

Dispute resolution

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



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
Level 8, KPMG Tower
85 Alexandra Street
Hamilton

Telephone: 07 838 2399

Fax: 07 839 4043

Contact person:

Dr J B Forret (Partner)

J Rajendram (Solicitor)

joan.forret@harkness.co.nz

jay.rajendram@harkness.co.nz

07 834 4662

07 959 3018

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.