

**BEFORE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2022-AKL-000086

**I MUA I TE KŌTI TAIAO
TAMAKI MAKAUROU ROHE**

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an appeal under clause 14 of Schedule 1
to the RMA against decisions of the
Waikato District Council on the proposed
Waikato District Plan

BETWEEN

THE SURVEYING COMPANY LIMITED

Appellant

AND

WAIKATO DISTRICT COUNCIL

Respondent

**NOTICE OF HAMILTON CITY COUNCIL'S WISH TO BE PARTY TO
PROCEEDINGS**

DATED 22 March 2022

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To: The Registrar
Environment Court
Auckland

1. Hamilton City Council (**HCC**) wishes to be a party to the appeal by The Survey Company Limited against parts of the decisions of the Waikato District Council (**WDC**) on Proposed Waikato District Plan (**Proposed Plan**).

Nature of interest

2. HCC is a local authority, and as such, has an interest in the proceedings that is greater than the interest that the general public has. HCC also made a submission about the subject matter of the proceedings.
3. HCC is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (**RMA**).

Extent of interest

4. HCC is interested in part of the proceedings. The part of the appeal HCC is interested in is set out in **Schedule 1**.

Relief sought

5. HCC opposes the relief sought by the appellant in the relevant parts of the appeal for the reasons outlined in HCC's appeal and because it:
 - (a) Is inconsistent with the outcomes sought in The Survey Company Limited's appeal;
 - (b) Will not promote the sustainable management of the natural and physical resource within the Waikato Region, and is therefore inconsistent with Part 2 and other provisions of the RMA;
 - (c) Will not meet the reasonably foreseeable needs of future generations;

- (d) Will not enable the social, economic and cultural wellbeing of the people of the Waikato Region;
- (e) Does not avoid, remedy or mitigate actual or potential adverse effects on the environment; and
- (f) Is not the most appropriate way to achieve the objectives of the Waikato Regional Plan in terms of section 32 of the RMA.

Alternative dispute resolution

- 6. HCC agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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L F Muldowney / S K Thomas
Counsel for Hamilton City Council

Dated 22 March 2022

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Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington or Christchurch.

Schedule 1

Relevant	HCC's interest
The addition of full provisions for Transferable Rural Lot Subdivision within the Rural Zone.	HCC opposes the relief sought. HCC seeks to ensure that any outcomes in this appeal are consistent with the outcomes sought in HCC's appeal. In particular, HCC seeks to ensure that the land resource is protected from both subdivision and land uses that would compromise well-planned and integrated planning of the area and to avoid ad-hoc development outside of defined growth areas.
SUB-R40 and SUB-R41 – Prohibited activity status <i>High class soil</i> SUB-R40(1)(a) and SUB-R41(1)(a)	HCC opposes the relief sought and seeks to retain SUB-R40 and SUB-R41. HCC opposes any change to activity status. HCC seeks to ensure that any outcomes in this appeal are consistent with the outcomes sought in HCC's appeal. In particular, HCC seeks to ensure that the land resource is protected from both subdivision and land uses that would compromise well-planned and integrated planning of the area and to avoid ad-hoc development outside of defined growth areas.
SUB-R42 – Prohibited activity status <i>Subdivision of a donor lot resulting from a transferable rural lot right</i>	HCC opposes the relief sought and seeks to retain SUB-R42. HCC opposes any change to activity status. HCC seeks to ensure that any outcomes in this appeal are consistent with the outcomes sought in HCC's appeal. In particular, HCC seeks to ensure that the land resource is protected from both subdivision and land uses that would compromise well-planned and integrated planning of the area and to avoid ad-hoc development outside of defined growth areas.
SUB-R43 – General Subdivision SUB-R46- Boundary Relocation SUB-R48-Rural Hamlet subdivision <i>New or additional lots to not contain more than 15% high class soil</i>	HCC opposes the relief sought and seeks retention of the standard. HCC seeks to ensure that any outcomes in this appeal are consistent with the outcomes sought in HCC's appeal. In particular, HCC seeks to ensure that the land resource is protected from both subdivision and land uses that would compromise well-planned and integrated planning of the area and to avoid ad-hoc development outside of defined growth areas.
SUB-R46 – Boundary relocation SUB-R46(1)(a)(ii)(1) – <i>titles used must contain at least 5000m2</i>	HCC opposes the relief sought and seeks retention of 5000m2 of area of Record of Title. HCC seeks to ensure that any outcomes in this appeal are consistent with the outcomes sought in HCC's appeal. In particular, HCC seeks to ensure that the land resource is protected from both subdivision and land uses that would compromise well-planned and integrated planning of the area and to avoid ad-hoc development outside of defined growth areas.

<p>SUB-R43 – General Subdivision</p> <p>SUB-R43(1)(a)(ii) <i>40ha title size</i></p> <p>SUB-R43(1)(a)(iv) <i>8000m2 minimum lot size</i></p> <p>R43(1)(a)(v) <i>High class soil</i></p>	<p>HCC opposes the relief sought and seeks retention of a 40ha title size and the non-complying activity status for lots less than 8000m2. HCC seeks to ensure that any outcomes in this appeal are consistent with the outcomes sought in HCC's appeal. In particular, HCC seeks to ensure that the land resource is protected from both subdivision and land uses that would compromise well-planned and integrated planning of the area and to avoid ad-hoc development outside of defined growth areas.</p>
<p>Policy SUB-P16(3)(a) and Policy SUB-P16(3)(b) and Policy SUB-P16(4)</p>	<p>HCC opposes the relief sought and seeks retention of the Decisions Version of SUB-P16(3)(a) and SUB-P16(3)(b). HCC seeks retention of the requirement for balance lots greater than 40ha HCC seeks to ensure that any outcomes in this appeal are consistent with the outcomes sought in HCC's appeal. In particular, HCC seeks to ensure that the land resource is protected from both subdivision and land uses that would compromise well-planned and integrated planning of the area and to avoid ad-hoc development outside of defined growth areas.</p>
<p>Rule 24.4.2 Subdivision – Te Kowhai and Tuakau</p>	<p>HCC opposes the relief sought. HCC seeks to ensure that any outcomes in this appeal are consistent with the outcomes sought in HCC's appeal. In particular, HCC seeks to ensure that the land resource is protected from both subdivision and land uses that would compromise well-planned and integrated planning of the area and to avoid ad-hoc development outside of defined growth areas.</p>
<p>Other appeal points:</p> <p>Part 2 – SD – Strategic Direction – UFD – Urban form and development</p> <p>Part 2 – SUB – Subdivision</p> <p>Part 3 – GRUZ – General rural zone</p> <p>Part 3 – RLZ – Rural lifestyle Zone</p> <p>Part 3 – LLRZ – Large lot residential zone</p>	<p>HCC opposes the relief sought. HCC seeks to ensure that any outcomes in this appeal are consistent with the outcomes sought in HCC's appeal. In particular, HCC seeks to ensure that the land resource is protected from both subdivision and land uses that would compromise well-planned and integrated planning of the area and to avoid ad-hoc development outside of defined growth areas.</p>