

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2022-AKL-000086

IN THE MATTER of appeals under Clause 14(1) of
Schedule 1 of the Act in relation to the
Proposed Waikato District Plan.

AND

IN THE MATTER of a Proposed District Plan

**BETWEEN THE SURVEYING COMPANY
LIMITED**

Appellant

AND WAIKATO DISTRICT COUNCIL

Respondent

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

**SECTION 274 NOTICE FROM HARRISVILLE TWENTY THREE LIMITED
ON THE APPEAL BY
THE SURVEYING COMPANY LIMITED**

21 March 2022

Counsel Instructed

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TO the Registrar
Environment Court
Auckland

NOTICE

1. Harrisville Twenty Three Limited (**Harrisville**) wishes to be a party pursuant to s 274 of the Resource Management Act 1991 (**Act**) to the following proceedings:

The Surveying Company Limited v Waikato District Council: ENV-2022-AKL-000086

Master Topic: Proposed Waikato District Plan.

2. The Appellant is seeking the reinstatement of the serviced/un-serviced lot size provisions that were included in the notified Proposed Plan, supported by submitters, and supported in the section 42A Report.
3. Harrisville has an interest in these proceedings that is greater than the interest that the general public has because it;
 - a) owns land that is within the Proposed Plan Village Zoning/Decision Large Lot Zoning as shown on **Attachment 1** and figures 1, 2 & 3 of the Appeal;
 - b) is directly affected by the Decision to change the zoning to Large Lot residential and reduce its development potential;
 - c) has been proceeding with a subdivision development in reliance on the Proposal Plan Village Zoning, which appropriately provides for smaller lots for areas that are serviced;
 - d) is in the interests of natural justice for it to be able to participate in the proceedings; and
 - e) meets the Purpose of the Act for its interest to be recognised.
4. Actions that have been undertaken that are affected by the Decision and the Appeal include:

- a) Briefing consultants to advise on a subdivision application commencing in April 2021.
 - b) Preparation of a concept plan of subdivision – **Attachment 2**.
 - c) Organising a pre-application meeting with the Council to discuss the proposed subdivision on 26 July 2021.
 - d) Incurring expenditure on the proposal in excess of \$25,000.00 to-date.
5. Harrisville is not a trade competitor for the purposes of section 308C or 308CA of the Act.
 6. Harrisville is interested the part of the proceeding regarding the removal of Rule 24.4.2 and any consequential amendments to enable smaller lots for serviced land at Tuakau.
 7. Harrisville is interested in all of the issues arising from the relief being sought.
 8. Harrisville supports the relief being sought to reinstate the Village Zoning and density of development for serviced land for reasons including;
 - a) The reasons set out in the appeal.
 - b) The planning provisions guide the determination of resource and subdivision consents, including the Harrisville one currently being prepared.
 - c) The Decision inappropriately limits the development of land that is capable of being serviced and can be developed to a higher density than the Large Lot zone, while avoiding, remedying and mitigating adverse effects.
 - d) The imposition of development restrictions is unreasonable and will have significant adverse effects on the ability to develop the land to provide much needed housing.
 - e) The relief sought by the Appellant gives effect to the National Policy Statement – Urban Development 2020.
 - f) The relief sought satisfies s 32 of the Act and provides opportunities for economic growth and employment.

- g) It is efficient to use land that is serviced for higher density development (s7(b)).
 - h) The relief sought achieves the integrated management of natural and physical resource by matching housing density (landuse) with services (infrastructure) (s 31(1)(a)).
 - i) The relief sought will provide for the social and economic wellbeing of people by providing for much needed housing that is in close proximity to the centre of Tuakau.
 - j) The Appellants' relief meets the Purpose of the Act.
9. Harrisville agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 21th day of March 2022



Peter Fuller
Counsel for Harrisville Twenty Three Limited

Counsel's address for service:

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LIST OF PARTIES TO BE SERVED WITH THIS NOTICE**Respondent – Waikato District Council**

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The Surveying Company Limited

C/- Peter Fuller
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Submitters Served with the Appeal

ATTACHMENT 1 – HARRISVILLE LAND

ATTACHMENT 2 – HARRISVILLE SUBDIVISION CONCEPT PLAN