

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

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

ENV-2022-AKL-000073

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

AND

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

AND

IN THE MATTER of an application under section 274 of the RMA

BETWEEN **WAIKATO REGIONAL COUNCIL**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**NOTICE OF INTENTION BY HAVELOCK VILLAGE LIMITED TO BE A PARTY
TO THE PROCEEDINGS UNDER SECTION 274**

Dated 22 March 2022

BUDDLE FINDLAY

Barristers and Solicitors
Auckland

Solicitor Acting: **Vanessa Evitt / Mathew Gribben**
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PO Box 1433 DX CP24024 Auckland 1140

TO: the Registrar
Environment Court
Auckland

1. Havelock Village Limited (**HVL**) wishes to be a party to the following proceedings under s 274 of the Resource Management Act 1991 (**RMA**):

Waikato Regional Council v Waikato District Council (ENV-2022-AKL-000073)

2. The proceedings concern an appeal lodged by Waikato Regional Council against a decision of Waikato District Council (**Council**) on the Proposed Waikato District Plan (**PWDP**) which was publicly notified on 17 January 2022 (**Decision**).

Nature of interest in the proceedings

3. HVL owns significant landholdings in the southern Pokeno area, at 88, 242 (in part), 5 Yashili Drive and 278 Bluff Road (the **Site**). As part of its planned developments in Pokeno, HVL is seeking to develop the Site to enable a comprehensive and integrated residential development.
4. Parts of the Site are identified in the PWDP as being a Significant Natural Area (**SNA**). HVL has lodged its own appeal (*Havelock Village Limited v Waikato District Council* (ENV-2022-AKL-000072)) which seeks amendments to the boundaries of one of the SNAs on the Site in order to reflect the extent of the SNA identified by HVL's expert ecologist.
5. HVL made a submission about the subject matter of the proceedings and also lodged a further submission on the original submission by Waikato Regional Council.

Extent of interest in the proceedings

6. HVL is interested in the part of the appeal that relates to SNAs and in particular the requested relief to:
 - (a) Retain the SNA maps as notified in the PWDP, unless evidence was submitted during the district plan hearing process from a qualified ecologist establishing that the SNA or part of the SNA does not meet the criteria set out in 11A of the Waikato Regional Policy Statement (**WRPS**).
 - (b) Amend the definition of 'Significant Natural Area' as follows:

Means an area identified as a Significant Natural Area on the planning maps or those areas that meet one or more of the criteria set out in APP2 of the Plan, as assessed by a suitably qualified ecologist.

7. HVL opposes the relief sought for the reasons outlined in the Decision on this matter, its appeal and its evidence before the hearing commissioners, including that:
- (a) The boundaries of the SNA on the Site have been mapped by Dr Ussher, a qualified ecologist, and his expert assessment is that the boundaries as shown in the notified version of the PWDP are incorrect and do not meet the relevant criteria. Amended SNA maps are sought as part of HVL's appeal;
 - (b) It is more efficient and effective for the definition of SNAs and the operation of the related plan provisions to be limited to those areas shown as such on the planning maps. The definition in the Decisions version of the PWDP adequately gives effect to the WRPS and provides for section 6 matters.

Alternative dispute resolution

8. HVL agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED: 22 March 2022

HAVELOCK VILLAGE LIMITED

by its solicitors and authorised agents

Buddle Findlay:



Vanessa Evitt

Address for service of person wishing to be a party:

Havelock Village Limited

c/ - Vanessa Evitt / Mathew Gribben
Buddle Findlay
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188 Quay Street
PO Box 1433, DX CP24024
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Names and addresses of persons to be served with a copy of this notice:

Waikato Regional Council

c/ - Miffy Foley
401 Grey Street
Private Bag 3038
Waikato Mail Centre
Hamilton 3240

Email: Miffy.Foley@waikatoregion.govt.nz

Waikato District Council

Bridget Parham
Email: bridget.parham@tompkinswake.co.nz

Beth Ford
Email: beth.ford@tompkinswake.co.nz

Kirsty Ridling
Email: Kirsty.Ridling@waidc.govt.nz

Note to person wishing to be a party

You must lodge the original and one copy of this notice with the Environment Court within 15 working days after:

- (a) the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- (b) the decision to hold an inquiry, if the proceedings are an inquiry; or
- (c) 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.