

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

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

ENV-2022-AKL-000078

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 **ANNA NOAKES AND FRUHLING TRUST**

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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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**):

Noakes & Fruhling Trust v Waikato District Council (ENV-2022-AKL-000078)

2. The proceedings concern an appeal lodged by Anna Noakes and Fruhling Trust (**Ms Noakes**) 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. The Decision of the Council rezoned a significant part of the Site from rural to a mixture of residential and rural lifestyle zones.
4. HVL has lodged its own appeal (*Havelock Village Limited v Waikato District Council* (ENV-2022-AKL-000072)) which seeks, amongst other things, to rezone the balance of the Site to a mixture of residential and neighbourhood centre zones and amend various related controls.
5. HVL made a further submission in relation to the original submission by Ms Noakes and a submission of its own about the subject matter of the proceedings.

Extent of interest in the proceedings

6. HVL is interested in all parts of the appeal relating to rezoning of the Site including the requested relief to set aside the Havelock Precinct Plan and related consequential relief.
7. HVL opposes the relief sought in relation to the Site for the reasons set out in its own appeal and in the Decision in support of the rezoning of the Site.

Jurisdictional issue

8. HVL wishes to identify at this stage that it will ask the Environment Court at the earliest opportunity for a ruling on whether the relief sought in the appeal to set aside the Havelock Precinct Plan is within scope of the original submission by Ms Noakes.
9. HVL considers that relief was not fairly and reasonably raised in the submission and so is out of scope.

Alternative dispute resolution

10. 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/o - Vanessa Evitt / Mathew Gribben
Buddle Findlay
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188 Quay Street
PO Box 1433, DX CP24024
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Phone: 64 9 358 2555

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Email: vanessa.evitt@buddlefindlay.com / mathew.gribben@buddlefindlay.com

Names and addresses of persons to be served with a copy of this notice:

Anna Noakes and Fruhling Trust

c/o:

Sam Khalesi

GML Lawyers Barristers and Solicitors

PO Box 82024 Highland Park, Auckland, 2143

Email: sam@gmllawyers.co.nz

And

Setareh Stienstra

Email: setareh@publiclawchambers.com

Waikato District Council

Bridget Parham

Email: bridget.parham@tompinkswake.co.nz

Beth Ford

Email: beth.ford@tompinkswake.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.