

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

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

ENV-2022-AKL-000087

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 **HYNDS PIPE SYSTEMS LIMITED**

AND **HYNDS FOUNDATION**

Joint appellants

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**
Email: vanessa.evitt@buddlefindlay.com / mathew.gribben@buddlefindlay.com
Tel 64 9 358 2555 Fax 64 9 358 2055
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**):

Hynds Foundation & others v Waikato District Council (ENV-2022-AKL-000087)

2. The proceedings concern an appeal lodged by Hynds Pipe Systems Limited and Hynds Foundation (together, **Hynds**) 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. The decision of the Council rezoned a significant part of the Site from rural to a mixture of residential and rural lifestyle zones and living zones.
5. 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.
6. HVL also lodged a further submission on the original submission by Hynds opposing the Havelock development.

Extent of interest in the proceedings

7. HVL is interested in all of the proceedings.
8. HVL opposes the relief sought, in particular:
 - (a) The requested rural zoning of the Site and the exclusion of the Havelock Precinct Plan in the PWDP; and
 - (b) The requested rural zoning of the property at 67 Pioneer Road instead of Rural lifestyle Zone.

9. The appropriateness of zoning the Site as residential and the significant benefits that can be achieved from that were outlined in HVL's evidence and legal submissions and largely accepted by the Council in its Decision.
10. Expert evidence produced by HVL at the hearing demonstrated that the development of the Site (including Area 1) for residential purposes will not give rise to potential reverse sensitivity effects on nearby industrial activities either in terms of noise, lighting, air discharges or views of such activities. The residential development is sufficiently set back by virtue of the proposed industrial buffer area and vegetated screening that it will provide.
11. For the reasons outlined in the Decision, the Rural Lifestyle Zoning of 67 Pioneer Road is more appropriate than a Rural Zone. Any adverse residential development of the property can be suitably managed by the proposed plan provisions.

Alternative dispute resolution

12. 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
Level 18
188 Quay Street
PO Box 1433, DX CP24024
Auckland 1140

Phone: 64 9 358 2555

Facsimile: 64 9 358 2055

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

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

Hynds Pipe Systems Limited & Hynds Foundation

c/o Bill Loutit / Sarah Mitchell
Simpson Grierson
88 Shortland Street
Private Bag 92518
Auckland 1140

Email: bill.loutit@simpsongrierson.com / sarah.mitchell@simpsongrierson.com

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.