

Form 33 **Notice of person's wish to be party to proceedings**

Section 274, Resource Management Act 1991

To **the Registrar**

Environment Court

Auckland, Wellington, and Christchurch

I, Mark Ian de Lautour and Deidre Helen Kiernan, wish to be a party to the following proceedings:

the Environment Court's reference number for the proceedings (ENV-2022-AKL-000030 Upton v Waikato District Council);

the parties to the proceedings and the nature of the proceedings (eg, an appeal on a resource consent application or an application for an enforcement order)].

I am a person who has an interest in the proceedings that is greater than the interest that the general public has (in this case, I am the owner of the property that Upton's appeal wants to split or remove from the Residential zoning);

I am not* a trade competitor for the purposes of [section 308C](#) or [308CA](#) of the Resource Management Act 1991.

*I am not† directly affected by an effect of the subject of the appeal that—

(a)

adversely affects the environment; and

(b)

does not relate to trade competition or the effects of trade competition.

*Delete entire paragraph if you are not a trade competitor.

†Select one.

I am interested in all (or part of) the proceedings.

*The part of the proceedings I am interested in is:

[Upton's attempting to either remove or split my property back to rural zone].

I am interested in the following particular issues:

- [an appropriate transition from residential to rural environment;
- appropriate recognition of and response to the landform, landscape and natural features;
- ensure compatibility of rural and urban development and activities;
- appropriate management of development near to watercourses and wetlands.

].

I ~~support~~ (OPPOSE) the relief sought because—

Obviously we are no match for the Parliamentary Commissioner for the Environment. However, he is just a man with a beautiful house on a hill overlooking our property. He is only trying to protect his outlook not the environment! The amount of energy and resources being poured into protecting his

view is a ridiculous waste of power and money, that has an impact on not just the physical environment but the emotional environment for the hundreds of people that could have already been provided housing, on what has been deemed as unsuitable for farming due to the location. The back portion of the property is undoubtedly the nicest part of land we own. It could provide a number of beautiful sections, giving multiple families the ability to enjoy the vista that Mr Upton enjoys, rather than the cows that currently reside in the paddock.

Any subdivision that could progress will need to meet all council conditions and only beautify the environment. In the current state there is gorse, broom broken fences. The 20 acres are not capable of providing enough income to cover the rates.

Council has minimum amounts of land required for parks and planting. There are multiple parts of Ngaruawahia including 46 Jackson that can include native plants to rejuvenate sadly forgotten wasted areas, like the wetland that is mentioned, of which even in a flood situation only impacts 46 Jackson Street by maybe 20 meters of land, in a very tiny corner right at the back.

This highlights the actual fact that this land that Mr Upton is trying to have zoned as Rural under the guise of;

- an appropriate transition from residential to rural environment;
- appropriate recognition of and response to the landform, landscape and natural features;
- ensure compatibility of rural and urban development and activities;
- appropriate management of development near to watercourses and wetlands.

Is only an attempt at preserving his view! The population is growing, and the council have identified the needs of many, they are developing and evolving constantly to meet the ever-changing needs of this generation and predicting the needs of the next.

The appropriate transition from residential to rural environments is everchanging. Saulbrey Road is a far more reasonable proposed boarder/transition. That will also need to be extended in the future.

Please find attached

Appendix A- Shows highlighted in Red Mr Upton's farm 86 Saulbrey Road

Appendix B- Shows 46 Jackson Street you can also see the tiny portion of land affected by any water course or wetlands, and Saulbery Road is named.

I think if there was any objection to land being re-zoned near wetlands then the land on Rangimarie Road would have been listed. As per circled in red.

Appendix C- Shows Mr Upton's house and his view of our Hill

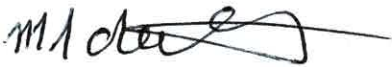
Appendix D- Map 2a this is a catchment Management Plan Flooding Map from WDC shows clearly that 46 Jackson Street is very clearly not affected and therefore should not be being targeted. Furthermore the additional relief sort if Upton's Appendix 1 is not granted (as per his appeal) Clearly in our opinion gives weight to the real reason behind his reasoning is really only an attempt to protect his view. Given that the only part of the proposed plan change that he seeks to have become rural zone is a piece of land that is ideal and not in any way at risk of altering or desecrating any wetland.

I will also attach our original submission to the council. It goes into detail.


I apologise to the environment court for our lack of eloquence in the preparation of this.

We are not well educated and don't fully understand the legal or political side of this waste of tax and rates payer's resources.

I agree to participate in mediation or other alternative dispute resolution of the proceedings.


Signature of person wishing to be a party
(or person authorised to sign
on behalf of person wishing to be a party)

Mark de Lautour


Deidre Kiernan
14/03/2022

Date 14/03/22

Address for service of person wishing to be a party: 637 Whangamata Road, Kinloch, Taupo

Telephone: 021 49 5155

Fax/email: markid2r@gmail.com

Contact person: Deidre Kiernan or Mark de Lautour

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after—

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

Schedule 1 form 33: amended, on 10 October 2013, by [regulation 8\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 10 October 2013, by [regulation 8\(2\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

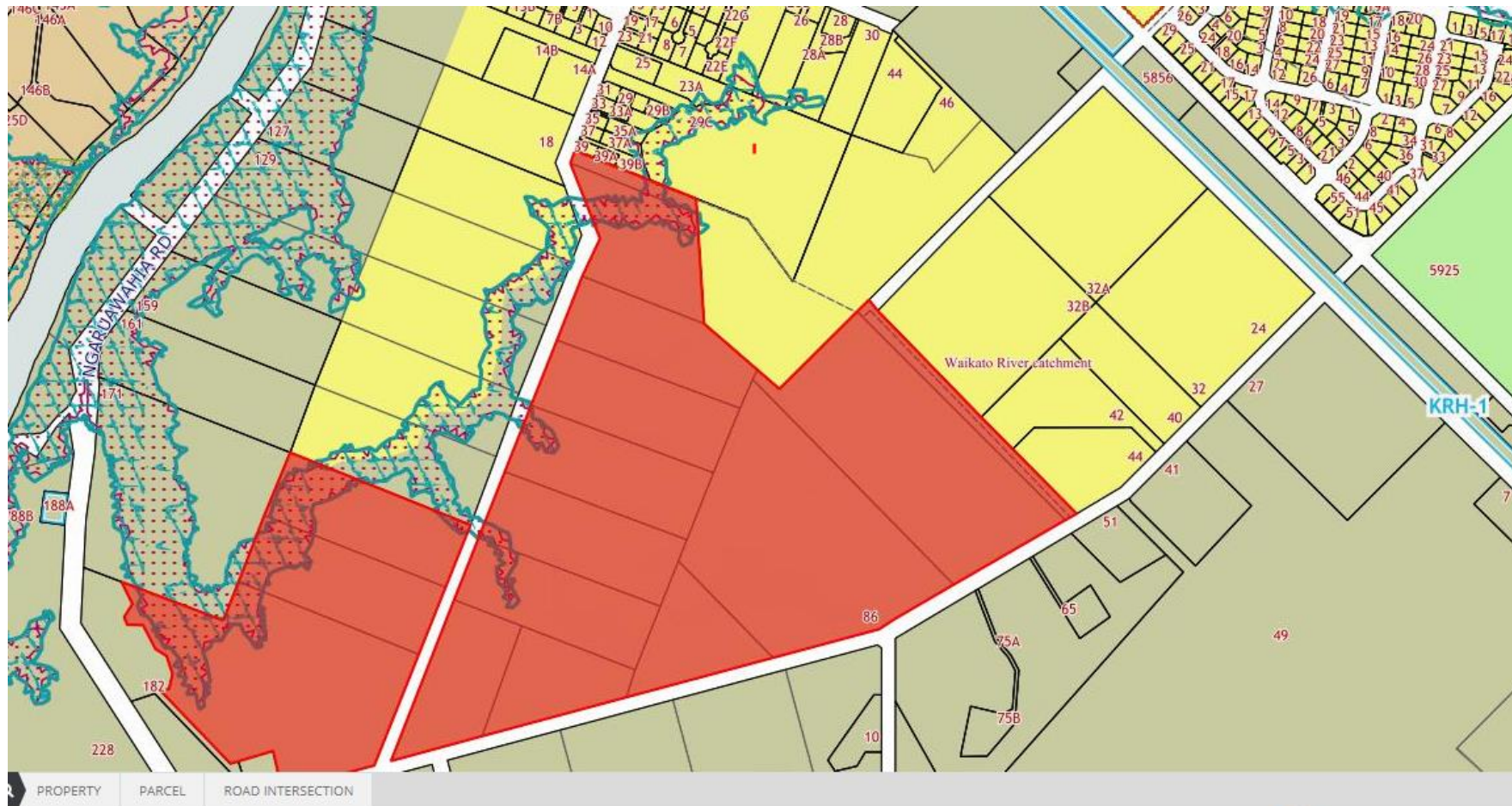
Schedule 1 form 33: amended, on 10 October 2013, by [regulation 8\(3\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 10 October 2013, by [regulation 8\(4\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2013 (SR 2013/385).

Schedule 1 form 33: amended, on 1 November 2010, by [regulation 19\(1\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 33: amended, on 1 June 2006, by [regulation 10\(4\)](#) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).

Appendix A- Shows highlighted in Red Mr Upton's farm 86 Saulbrey Road,



Proposed Waikato District Plan - Decisions Version
[Click here for the planning documents](#)

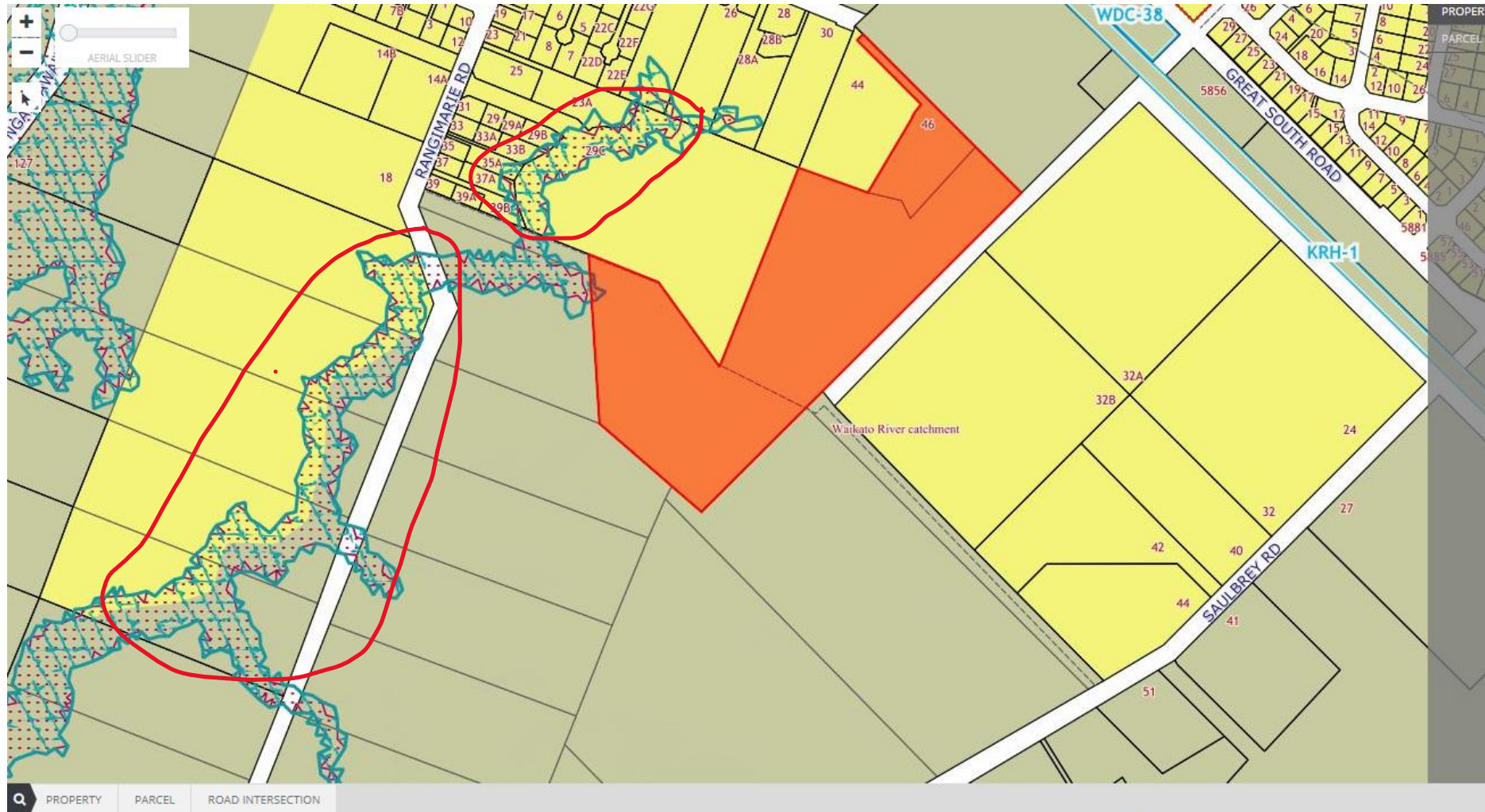
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[Waikato LASS Data Portal](#)
[Waikato District Data Service](#)



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Appendix B- Shows 46 Jackson Street you can also see the tiny portion of land affected by any water course of wetlands, and Saulbery Road is named I think if there was any objection to land being re-zoned near wetlands then the land on Rangimarie Road would have been listed. Circled



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Appendix C- Shows an aerial view of Mr Uptons house and the view of the paddock/hill in question.



Appendix D

This Map is in the T&T Report it is the WDC Catchment Management Plan Flooding Map. closeup view of our property (outlined in orange/red to show you where we sit) showing how we are not only in the growth area but that in fact our land does not have flooding issues that are so obvious in the surrounding land. Next page shows the entire Page.

