

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2022-AKL-000036

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

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

AND

IN THE MATTER an appeal under Clause 14(1) of the First
Schedule of the Act

BETWEEN **DIRECTOR-GENERAL OF CONSERVATION**
Appellant

AND **WAIKATO DISTRICT COUNCIL**
Respondent

**NOTICE OF OHINEWAI LANDS LIMITED'S WISH TO BE A PARTY TO
PROCEEDINGS**

Dated: 21 March 2022

Solicitors on Record

WYNN WILLIAMS LAWYERS
SOLICITOR — MIKE DOESBURG

PO Box 2401, Shortland Street, Auckland 1140
P 09 300 2600 F 09 300 2609 E mike.doesburg@wynnwilliams.co.nz

Counsel

Dr R A MAKGILL
BARRISTER

PO Box 77-037, Mt Albert, Auckland 1350
P 09 815 6750 E robert@robertmakgill.com

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

To The Registrar
Environment Court
Auckland

Name of Person who wishes to be Party

1. Ohinewai Lands Limited (**OLL**) wish to be a party to the following proceedings:
 - a. ENV-2022-AKL-000036 - An appeal by the Director-General of Conservation (**Director-General**) against Waikato District Council's (**WDC**) decisions on Significant Natural Areas under the Proposed Waikato District Plan (**PWDP**).
2. OLL:
 - a. Is a person with an interest in the proceedings greater than the general public, being the owner of Future Urban Zone (**FUZ**) and Rural Zone land affected by the appeal; and
 - b. Made submissions and further submissions on the PWDP, including the Ohinewai Zone and Ohinewai FUZ affected by the appeal.
3. OLL participated in the District Plan hearing processes for the Ohinewai Zone (Hearing 19), Natural Hazards - Ohinewai - (Hearing 27), and Ohinewai FUZ (Hearing 25).
4. OLL sought, amongst other things, FUZ zoning of a parcel of land owned by OLL (parts of titles SA33A/52 and SA33A/444) which adjoins the Ohinewai Zone. The WDC decision approved that rezoning. The balance of OLL's land holdings are zoned Rural.
5. The Director-General's proposed changes to the Significant Natural Area provisions would result in uncertainty for landowners and have the potential to inappropriately constrain development of OLL's FUZ.

Trade competition

6. OLL is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (**RMA**).

The Proceeding

7. OLL is interested in all of the proceedings.

Particular Issues

8. OLL is particularly interested in the following issues:
 - a. The mapping of Significant Natural Areas in the PWDP;
 - b. The proposed classification of Significant Natural Areas where they are not mapped in the PWDP.

Relief sought

9. OLL opposes the relief sought under the Director-General's Notice of Appeal and seeks that the relief sought by Director-General is declined.

Reasons for relief sought

10. The reasons for the relief sought by OLL include:
 - a. The outcome sought by Director-General:
 - i. Is inconsistent with the sustainable management purpose of the Act;
 - ii. Would result in uncertainty for OLL and other landowners; and
 - iii. Would have an adverse effect on the use of FUZ land for future urban development and housing supply.
 - b. The Hearing Panel was correct in finding that SNAs should be limited to areas which are mapped in the PWDP.
 - c. Applying the SNA classification to unmapped areas would create uncertainty as to compliance with and enforcement of the PWDP's rules.

- d. An activity status should be plain on the face of a plan and not dependent on a separate assessment outside Schedule 1 of the Act (e.g., the Appendix 2 criteria for determining significance of indigenous biodiversity).

Dispute resolution

11. OLL agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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M J Doesburg

Solicitor for Ohinewai Lands Limited

Date: 21 March 2022

Address for service of Person wishing to be a Party

Wynn Williams
Level 25, Vero Centre
48 Shortland Street
Auckland 1010

PO Box 2401
Shortland Street
Auckland 1140
Telephone: 09 300 5755

Email: mike.doesburg@wynnwilliams.co.nz

Contact person: Mike Doesburg

Copy to Dr Robert Makgill
Barrister
Email: robert@robertmakgill.com