

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2022-AKL-000034

**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 **KONING FAMILY TRUST & M KONING**
Appellant

AND **WAIKATO DISTRICT COUNCIL**
Respondent

**NOTICE OF RANGITAHĪ LIMITED, RAGLAN LAND COMPANY LIMITED
AND SCENIC PROPERTIES 2006 LIMITED'S WISH TO BE A PARTY TO
PROCEEDINGS**

Dated: 22 March 2022

Solicitors on Record

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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. Rangitahi Limited (**Rangitahi**), Raglan Land Company Limited (**RLC**) and Scenic Properties 2006 Limited (**Scenic**) wish to be a party to the following proceedings:
 - a. ENV-2022-AKL-000034 - An appeal by Koning Family Trust & M Koning (**Koning**) against Waikato District Council's (**WDC**) decisions on the rezoning of the Appellant's land to General Residential Zone under the Proposed Waikato District Plan (**PWDP**).
2. Rangitahi:
 - a. Is a person with an interest in the proceedings greater than the general public, being the owner of Rangitahi Peninsula Zone (**RPZ**) land nearby the General Residential Zone; and
 - b. Made submissions and further submissions on the PWDP, including in relation to growth in Raglan West.
3. RLC and Scenic are persons with an interest in the proceedings greater than the general public, being the owners of Future Urban Zone and Rural Zone land which is adjacent and near to the General Residential Zone the subject of this appeal.
4. Rangitahi participated in the District Plan hearing processes for the RPZ (Hearing 23), Raglan Rezoning (Hearing 25) and Coastal Hazards (Hearing 27D).

5. Rangitahi's original submission (**343**) sought that residential zoning of Future Growth Areas within Raglan should be subject to appropriate objectives, policies, and rules. Its further submission sought that residential zoning for all Raglan Growth Areas should be subject to a structure plan determining the location and extent of any residential zoning (**1208**).

Trade competition

6. Rangitahi, RLC and Scenic's s 274 notice is not brought for trade competition reasons under sections 308C or 308CA of the Resource Management Act 1991 (**RMA**).

The Proceeding

7. Rangitahi, RLC and Scenic are interested in all of the proceedings.

Particular Issues

8. Rangitahi, RLC and Scenic are particularly interested in the following issues:
 - a. The inclusion of a Structure Plan in the PWDP for the General Residential Zone at Te Hutewai.
 - b. Objectives, policies, rules and assessment criteria for the General Residential Zone at Te Hutewai.

Relief sought

9. Rangitahi, RLC and Scenic:
 - a. Support the relief sought under the Koning Notice of Appeal for a Structure Plan and specific rules to be included in the PWDP for the Te Hutewai Structure Plan area.
 - b. Oppose the specific details of the Structure Plan and rule that are included in Appendix A and Appendix B respectively of the Koning Notice of Appeal.
 - c. Seek that a Structure Plan, objectives, policies, rules and assessment criteria are included in the PWDP for the General Residential Zone at Te

Hutewai in accordance with the relief sought in Rangitahi's Notice of Appeal to the PWDP.¹

Reasons for relief sought

10. Rangitahi, RLC and Scenic's reasons for the relief sought include:
 - a. A Structure Plan for Te Hutewai should be included in the PWDP because the decision to approve the residential zoning of Te Hutewai relied on the Koning's draft Structure Plan.
 - b. The PWDP will not give adequate effect to the National Policy Statement on Urban Development 2020 in the absence of a Structure Plan for Te Hutewai and associated objectives, policies, and rules.
 - c. The adverse effects of the activities to be enabled by the General Residential Zone for Te Hutewai will not be adequately or appropriately avoided, remedied, or mitigated.
 - d. A Structure Plan for the General Residential Zone for Te Hutewai, including amendments to the Koning's draft Structure Plan map and planning provisions, is required to address the above matters and ensure that the PWDP achieves the purpose of the Act.
 - e. The Structure Plan which is included in Appendix A of the Koning Notice of Appeal:
 - i. Is not the version of the draft Te Hutewai Structure Plan that was presented in the Appellant's evidence to the Hearing Panel.
 - ii. Will not appropriately or adequately integrate land use and infrastructure/planning, including without limitation, roading, three waters, neighbourhood centres, and recreation reserves.
 - iii. Does not enable the mixture of dwelling typologies which are required to achieve a well-functioning urban environment.

¹ Notice of Appeal on behalf of Rangitahi Limited (ENV-2022-, dated 1 March 2022, at para. [11] and Annexure B.

- iv. Does not provide adequate integration between the General Residential Zone and adjoining future growth areas which have been identified as 'Residential Activity Zones' by WDC in Waikato 2070 and as 'Urban Enablement Areas' by the Future Proof Implementation Committee in the Future Proof Strategy Consultation Draft (2021).
- v. Contains information which would be more appropriately included within policies, rules and assessment criteria.
- vi. Identifies character areas, ecological corridors and no build areas on land outside of the General Residential Zone that the Structure Plan relates to which are unrelated to other provisions in the PWDP and create uncertainty.
- vii. Contains text which is inappropriate for inclusion in a Structure Plan. An example is the following sentence under the heading "Amenity Character":

"At the same time, this area is relatively well sheltered by the surrounding landforms, which in my opinion results in a higher degree of pleasantness (and therefore perception of amenity)."

Dispute resolution

- 11. Rangitahi, RLC and Scenic agree to participate in mediation or other alternative dispute resolution of the proceedings.



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M J Doesburg

Solicitor for Rangitahi Limited, Raglan Land Company Limited and Scenic Properties 2008 Limited

Date: 22 March 2022

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