

**IN THE ENVIRONMENT COURT OF NEW ZEALAND
AUCKLAND REGISTRY**

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

ENV-2022-AKL-

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of of an appeal under clause 14(1) of Schedule 1 to the Act

BETWEEN **HAMILTON CITY COUNCIL**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**NOTICE OF WARRICK MACDONALD'S WISH TO BE A PARTY TO
PROCEEDINGS**

15 MARCH 2022

Harkness Henry
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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
PO Box 7147
Wellesley Street
Auckland

Name of Person who wishes to be Party

- 1 Warrick MacDonald as Trustee of the Callum Brae Trust, wishes to be a party to the following proceedings: Clause 14(1) of First Schedule, RMA 1991, Hamilton City Council appeal against part of the decision of Waikato District Council on the Proposed Waikato District Plan.
- 2 Warrick MacDonald is a successor in title to land described in the submission filed by Malcolm MacDonald. Malcolm MacDonald is now deceased but was formerly a trustee of the Callum Brae Trust ("the Trust"), which owns the land.
- 3 Warrick MacDonald is a trustee of the Trust and is authorised to represent the Trust's interests in these proceedings.

Trade Competition

- 4 Neither Warrick MacDonald nor the Trust is a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

The Proceedings

- 5 Warrick MacDonald is interested in part of the appeal and in particular:
 - (a) Appeal Point 3: Decision Report 280: Zoning – Rest of District regarding the rezoning at Greenhill.

Particular Issues

- 6 Warrick MacDonald is interested in the following particular issues:
- (a) Hamilton City Council appeal against the decision to rezone part of Lot 2 DP 304594 (**Greenhill Site**) from Rural Zone to Commercial Zone;
 - (b) Hamilton City Council appeal against the decision to apply a Motorway service centre specific control area to the rezoned part of the Greenhill Site; and
 - (c) Hamilton City Council appeal against the introduction of new Rule COMZ-R18.
- 7 Warrick MacDonald **opposes** the relief sought to amend the planning maps so that all of the Greenhill Site is zoned General Rural, the Motorway service centre specific control area is removed and Rule COMZ-R18 is deleted. This relief is unnecessary because:
- (a) Only a small portion of land from the Greenhill Site has been rezoned to Commercial. A large land holding remains for productive rural purposes;
 - (b) The request to rezone the Greenhill Site to Commercial Zone reflected the immediate proximity of the site to the on-and off-ramps of the Waikato Expressway and was unrelated to the nearby Hamilton urban environment;
 - (c) Development of the Greenhill Site will not compromise future urbanisation in the Hamilton Urban Expansion Area and will not impact on the future development of growth cell R2, given the unique location on the Waikato Expressway off-ramp;
 - (d) Existing Motorway service centres at Taupiri, Bombay and Drury have not resulted in additional urban development;
 - (e) The Greenhill site will be the only service centre site between Bombay and Hautapu (a distance of over 110 km) that is located on the eastern side of the Waikato Expressway with access for southbound traffic; and

- (f) The Commercial zoning and Motorway service centre specific control area of the Greenhill Site is consistent with achieving outcomes sought in higher-level planning instruments, in particular the development principles listed in Section 6A of the Regional Policy Statement.

Relief Sought

- 8 Warrick MacDonald seeks the following outcomes:
 - (a) Retain the Commercial zoning over the Greenhill site;
 - (b) Retain the Motorway service centre specific control area over the rezoned part of the site;
 - (c) Retain Rule COMZ-R18.

Dispute Resolution

- 9 Warrick MacDonald agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED: 14 March 2022



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Dr J B Forret and T Fletcher
Counsel for Warrick MacDonald and the Callum Brae Trust

Address for service of Person wishing to be a Party

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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.