

BEFORE THE ENVIRONMENT COURT
AUCKLAND

ENV- 2019-AKL-000308

IN THE MATTER

of an appeal under Section 120 of the
Resource Management Act 1991

BETWEEN

**DIRECTOR-GENERAL OF
CONSERVATION**

Appellant

AND

HAMILTON CITY COUNCIL

Respondent

AND

WESTON LEA LIMITED

Applicant

NOTICE OF PERSONS' WISH TO BE PARTY TO PROCEEDINGS

Dated: 13 December 2019

Department of Conservation

Private Bag 3072

Hamilton

Counsel acting: Victoria Tumai/Michelle Hooper

Email: mhooper@doc.govt.nz

Telephone: 027 324 6314

Notice of person's wish to be party to proceedings

Section 274, Resource Management Act 1991

To the Registrar
Environment Court
Auckland

1. I, Lou Sanson, Director-General of Conservation, wish to be a party to the following proceedings:

ENV-2019-AKL-000308: **Weston Lea Limited v Hamilton City Council**, being an appeal under section 120 of the Resource Management Act 1991 against parts of a decision by Commissioners on behalf of Hamilton City Council to grant consent to the subdivision and land use consent applications (11.2018.6695.01 & 10.2018.9853.01) of Weston Lea Limited.

The notice of appeal was dated 22 November 2019.

2. I am a person who made a submission in the previous proceedings on the same matter.
3. I am not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.
4. I am interested in all the proceedings that relate to the issues raised in my submission.
5. I am interested in the following particular issues:
 - a. Paragraphs 7(a) to (h) of the Notice of Appeal (**NOA**) relating to the general reasons for appeal concerning the ecological effects and the management plan liaison group (**MPLG**) together with the ecological management and monitoring conditions;
 - b. Paragraphs 9 to 12 of the NOA relating to the scope, role and functions of the MPLG;
 - c. Paragraphs 13 to 14 of the NOA relating to the "no net loss" of terrestrial biodiversity values overall objective for the Ecological Management and Monitoring Plan (**EMMP**);
 - d. Paragraphs 15 to 17 of the NOA relating to conditions on potential roost tree removal;
 - e. Paragraphs 18 to 20 of the NOA relating to the adaptive management conditions, including the environmental offset to address unanticipated effects, monitoring strategies to implement adaptive management and adaptive management mitigation measures;
 - f. Paragraphs 21 to 23 of the NOA relating to pest control conditions generally including, but not limited to, conditions to exclude domestic cats and mustelids from the Amberfield site and conditions requiring dogs to be properly controlled.
6. I oppose the relief sought because:
 - a. The Recommended Ecology Conditions attached as Annexure "A" to the NOA:
 - i. do not avoid or sufficiently mitigate the adverse effects of the development on the environment, in particular on long-tailed bats;

- ii. fail to address Part 2 of the Resource Management Act 1991 (**the Act**) because these conditions inadequately address the adverse effects of the development on the environment, in particular on long-tailed bats;
- iii. Do not promote sustainable management of natural and physical resources under section 5 of the Act;
- iv. Do not adequately recognise and provide for matters of national importance under section 6 of the Act, in particular section 6(c);
- v. Leave critical adverse effects to be addressed via yet to be developed future management plans; and
- vi. Do not represent best resource management practice.

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



Brigitte Meier
Director, Operations
Hauraki, Waikato, Taranaki
Department of Conservation
Acting pursuant to delegated authority on behalf of the Director-General of Conservation¹

13 December 2019

Address for service of person wishing to be a party

Legal Services
Department of Conservation
Level 4
73 Rostrevor Street
Hamilton 3204
Private Bag 3072
Hamilton 3204
Telephone: 027 324 6314
Email: mhooper@doc.govt.nz
Contact person: Michelle Hooper

¹ A copy of the Instrument of Delegation may be inspected at the Director-General's office at the Conservation House (*Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011*)

Persons served with copy of this Notice

Weston Lea Limited

Dave Serjeant
C/- Merestone Ltd
2 Summer Street
Stanley Point
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Hamilton City Council

Planning Guidance Unit
Hamilton City Council
Private 3010
Hamilton 3240
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