

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

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

**ENV-2025-AKL-000158**

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

**AND**

**IN THE MATTER**      of an appeal under clause 14(1) of the First Schedule of the  
RMA

**BETWEEN**              **Waikato Regional Council**

**Appellant**

**AND**                      **Waitomo District Council**

**Respondent**

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**NOTICE OF TOFF TRADING TRUST'S WISH TO BE PARTY TO  
PROCEEDINGS PURSUANT TO SECTION 274 OF THE RMA  
22 August 2025**

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**NZEnviro ♦ Law**

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New Zealand

**Counsel Acting:**  
Joan Forret  
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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

1. **Toff Corporate Trustee Limited**, being trustee of **Toff Trading Trust** ("the Trust") gives notice under section 274 of the Resource Management Act 1991 ("RMA") that the Trust wishes to be a party to the appeal ("Appeal") by **Waikato Regional Council** ("**Appellant**") against a decision of the respondent on the Proposed Waitomo District Plan ("Proposed DP").
2. The appeal opposes the decision to rezone land in Waitomo District to Future Urban on the basis that there has not been a natural hazard assessment undertaken for Future Urban Zone land ("FUZ").
3. The Trust owns land at 5413 State Highway 3, Mokau, with legal description RT SA979/71 & RT SA6C/624, Section 1 & Section 20 Block 1, Awakino Survey District.
4. The Trust did not lodge a submission or further submission on the Proposed DP.
5. The Trust has an interest in the proceedings that is greater than the interest that the general public has because its land at 5413 State Highway 3, Mokau is one of the sites that has been rezoned FUZ and its zoning is affected by the appeal.

### **Trade Competition**

6. The Trust is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

### **The Proceedings**

7. The Trust is interested in all of the proceedings.
8. The Trust is particularly interested in the following issues:
  - a. The appeal is unclear but apparently seeks to remove the Future Urban Zone ("FUZ") from all land in the district.
  - b. The appeal does not provide for land to retain its FUZ status where a natural hazard risk assessment has been undertaken.

### **Particular Issues**

9. The Trust's land at 5413 State Highway 3, Mokau is zoned FUZ under the Proposed DP.
10. The Trust's land has had a natural hazard risk assessment undertaken by suitably qualified geotechnical engineers, and that assessment determined that the land is not at risk from an identified natural hazard.
11. The Trust's expert advisors have advised that the Trust's land is appropriate for development and that any natural hazards contemplated by s 6(h) RMA can be appropriately managed through the development process.
12. The Trust's land is not subject to any natural hazard overlays under the Proposed DP.
13. The Appellant's notice of appeal is not clear whether the FUZ should be removed from all land within the District or just from land that is subject to a natural hazard overlay.

### **Relief Sought**

14. The Trust opposes the relief sought by the Appellant.

15. The Trust wants the Appellant's notice of appeal amended to:

- a. Exclude the land located at 5413 State Highway 3, Mokau;
- b. Exclude any other FUZ land within Waitomo District which is not subject to a natural hazard overlay; and
- c. Exclude any other FUZ land within Waitomo District where a natural hazard risk assessment has been carried out; or

16. Such other relief that will achieve the outcome of excluding the Trust's land from the ambit of the appeal.



Joan Forret

Solicitor for The Trustees of Toff Trading Trust

Date: 22 August 2025

**Address for service of Person wishing to be a Party**

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*Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.