

Form 33 Notice of person's wish to be party to proceedings (Resource Management Act 1991, s 274)

IN THE ENVIRONMENT COURT AT CHRISTCHURCH

Court references:

ENV-[2025]-CHC-[###] Michael & Jean Schluter v Waimakariri District Council

ENV-[2025]-CHC-[###] Robert Paterson & RJ Paterson Family Trust v Waimakariri District Council

ENV-[2025]-CHC-[###] Woodwater v Waimakariri District Council

ENV-[2025]-CHC-[###] Survus Consultants Ltd v Waimakariri District Council
("the Proceedings")

Lodged with the Court electronically by email:

sophia.preston@justice.govt.nz

GEOFF MEHRTENS (Submitter No. 175) wishes to be a party to the Proceedings.

1. Mr Mehrtens' interest

Mr Mehrtens is—

- (a) **a person who made a submission** on the subject matter of the Proceedings (**Submitter No. 175** on the Proposed Waimakariri District Plan); and
- (b) **a person who has an interest in the proceedings that is greater than the interest the general public has**, because he **owns and is developing land at 63 Harewood Road, Oxford** which is directly affected by the rezoning and by the **Development Area (DEV) provisions** and associated **Outline Development Plans (ODPs)** in the Plan. Geoff Mehrtens also has an interest in the proceedings greater than the public generally as a consent applicant for a rural subdivision, prior to the Environment Court declaration that gave the 20ha rule immediate effect.

2. Parts of the Proceedings of interest

- (a) Mr Mehrtens is interested in those parts of the Schluter, Paterson and Woodwater appeals that concern the **DEV rules** and the way the Plan implements **ODPs**, including (without limitation) any rules that presently require development **"in accordance with"** an ODP.
- (b) Mr Mehrtens **also joins the Survus Consultants appeal** insofar as it concerns the **treatment of rural subdivision consent applications** that were **lodged prior to** the Environment Court's declaration regarding the immediate legal effect of the **20-hectare GRUZ allotment size** and which

were subsequently **placed on hold**. Mr Mehrtens **supports those applications proceeding** without being retrospectively disadvantaged by the declaration.

3. Position

- (a) Mr Mehrtens **supports** the parts of the Schluter, Paterson and Woodwater appeals **to the extent they seek to amend DEV rules so development must be “in general accordance with” an ODP**.
- (b) Mr Mehrtens **supports** the Survus appeal **to the extent it seeks relief enabling rural subdivision applications lodged before the declaration to be processed** (consistent with the planning framework applying at the time of lodgement), and not to be put on indefinite hold by reason of the declaration. This assists him in obtaining subdivision consent for his application.

4. Reasons

- (a) A **“general accordance”** standard provides appropriate implementation flexibility while preserving ODP outcomes, infrastructure integration and staging.
- (b) It **better gives effect to higher-order direction** and promotes **efficient urban and rural development**, proportionate consenting pathways and practical delivery of housing and subdivision.
- (c) Recognising and processing **pre-declaration rural subdivision applications** provides **fair and certain transitional management**, avoids **retrospective prejudice** to applicants already in the processing queue, and maintains confidence in the plan-making and consenting system.
- (d) The relief sought remains **anchored to outcomes** and performance standards, avoiding adverse effects while enabling timely development.

5. Additional matter of appeal sought

Mr Mehrtens also seeks that the following **new DEV rule** (or words to similar effect) be inserted:

New rule [DEV-GEN-Rx] – Speed management in residential ODP areas

“For any residential development within a Development Area implemented by an Outline Development Plan, **the Council will facilitate any required processes under the Land Transport Act 1998** (including speed management plans and rule changes) **to lower speed limits** on public roads **within or adjoining the ODP area**, as required to give effect to the rezoning and ODP and to ensure a safe and efficient transport network.”

Reasons:

- (i) Supports **integrated land use and transport** outcomes anticipated by ODPs.
- (ii) Enables **safe residential street environments** through timely speed setting consistent with contemporary practice.
- (iii) Provides **clarity of process and responsibility**, avoiding delays to subdivision staging, vesting and occupation (recognising that the LTA and RMA processes are separate and the provision does not fetter Council's statutory decision-making under the LTA).

6. Relief sought

Mr Mehrtens seeks that the Court:

- (a) **Allow the Proceedings in part** to amend all relevant DEV rules so development must be **"in general accordance with"** the applicable ODP;
- (b) **Allow the Survus relief** (or grant equivalent relief) **to enable rural subdivision applications lodged before the Court's declaration** on the immediate legal effect of the 20-hectare GRUZ allotment size **to be processed**;
- (c) **Insert** the new DEV rule in paragraph 5 (or words to like effect) and make any **consequential amendments**; and
- (d) Grant such **further or other relief** as may be necessary or appropriate to give effect to the above.

7. ADR

Mr Mehrtens **agrees to participate in mediation or other alternative dispute resolution** of the Proceedings.

Signature:

Signed for and on behalf of **Geoff Mehrtens** by its authorised agent:



**Peter Wilson,
Consultant Planner for
Geoff Mehrstens**

Date: 10 September 2025

Address for service of Mr Mehrstens

Postal: C/- Eliot Sinclair Limited, PO Box 9339, Tower Junction, Christchurch 8149

Physical: 20 Troup Drive, Addington, Christchurch 8011

Telephone: 03 379 4014

Email: pgw@eliot Sinclair.co.nz

Contact person: Peter Wilson

Schedule 1 – Proceedings to which this notice applies

(1) Michael & Jean Schluter v Waimakariri District Council – ENV-[20xx]-CHC-[###]

Appellants' address for service: Anderson Lloyd, Floor 2, The Regent Building, 33 Cathedral Square, Christchurch 8011. PO Box 13831, Christchurch 8141.

Emails: sarah.eveleigh@al.nz; sarah.schulte@al.nz.

(2) Robert Paterson & RJ Paterson Family Trust v Waimakariri District Council – ENV-[2025]-CHC-[###]

Appellants' address for service: c/- Novo Group, Level 1, 279 Montreal Street, Christchurch 8011. PO Box 365, Christchurch 8140. Email: adele@novogroup.co.nz.

(3) Woodwater v Waimakariri District Council – ENV-[2025]-CHC-[###]

Appellant's address for service: Anthony Harper Lawyers, 62 Worcester Boulevard, Christchurch 8011. PO Box 2646, Christchurch 8140. Email: gerard.cleary@ah.co.nz.

(4) Survus Consultants Ltd v Waimakariri District Council – ENV-[2025]-CHC-[###]

Appellant's address for service: Saunders & Co, 131 Victoria Street, Christchurch 8013; PO Box 18, Christchurch 8140. Email: chris.fowler@saunders.co.nz.

Respondent: Waimakariri District Council – Address for service:

developmentplanning@wmk.govt.nz
