

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

I MUA I TE KOOTI TAIAO O AOTEAROA

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

AND

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

BETWEEN **WAIKATO REGIONAL
COUNCIL**

Appellant

AND **WAIKATO DISTRICT
COUNCIL**

Respondent

NOTICE OF APPEAL

 **Simpson Grierson**
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To: The Registrar
Environment Court
Auckland

1. The Waikato Regional Council appeals part of the decision of the respondent, the Waikato District Council, on the following matter:

A submission by Ambury Properties Limited (**Ambury**) in respect of the Proposed Waikato District Plan (**Proposed WDP**) seeking the rezoing of land at Ohinewai.¹

2. Ambury's submission sought rezoning of Rural land at Ohinewai to Industrial, Commercial, Residential and Public Open Space zone (**Proposed Zoning**) land uses. The Waikato Regional Council made a further submission² opposing Ambury's submission.
3. The Waikato Regional Council decided to allow the Proposed Zoning subject to a range of Proposed WDP provisions (**Ohinewai Zone Provisions**).³
4. The Waikato District Council is not a trade competitor for the purposes of section 308D of the Act.
5. The Waikato Regional Council received notice of the decision on 24 May 2021. The decision was made by an Independent Hearing Panel of the Waikato District Council.
6. The Waikato Regional Council appeals against particular aspects of the Ohinewai Zone Provisions as set out in Appendix 1 to this notice of appeal.
7. The general reasons for the appeal are as follows:
 - (a) The Waikato District Council's decision to rezone the land at Ohinewai subject to the currently proposed provisions means that:
 - (i) The Proposed WDP will not give adequate effect to the National Policy Statement on Urban Development 2020

¹ The decision issued by the Independent Hearing Panel (**Panel**) only addresses the submission from Ambury [Submitter 764] and its related further submissions. Decisions on the other submissions seeking rezoning at Ohinewai will be addressed in the Panel's substantive decision on the proposed Waikato District Plan.

² Waikato Regional Council's further submission is dated 15 July 2019.

³ Appendix 4 to the Waikato District Council's decision.

(NPS-UD), and in particular will not achieve a well-functioning urban environment that must “as a minimum”:⁴

- (a) have or enable a variety of homes that:
 - (i) meet the needs, in terms of type, price, and location, of different households; and
 - (ii) enable Māori to express their cultural traditions and norms; and
 - (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and
 - (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and
 - (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and
 - (e) support reductions in greenhouse gas emissions; and
 - (f) are resilient to the likely current and future effects of climate change.
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- (ii) The Proposed WDP will not give adequate effect to the Waikato Regional Policy Statement;
 - (iii) The Proposed WDP will establish a discrete and separate urban area comprising industrial and residential activities, and has the potential to create a “dormitory town”;
 - (iv) The Proposed WDP will not appropriately or adequately integrate land use and infrastructure/planning, including without limitation, transportation, three waters and community facilities; and
 - (v) The effects of the activities to be enabled by the Proposed WDP will not be adequately or appropriately managed.

4 Policy 1, NPS-UD.

- (b) Amendments to the Ohinewai Zone Provisions are required to address the above matters and ensure that the Proposed WDP achieves the purpose of the Act.
- (c) In particular, and without limiting the generality of the reasons in paragraph 7(a) and (b) above, the specific reasons for the appeal and the relief sought by the Waikato Regional Council are set out in Appendix 1 to this notice of appeal.

8. The Waikato Regional Council seeks the following relief:

- (a) The relief set out in Appendix 1 to this notice of appeal; or
- (b) Any alternative relief of like effect; and
- (c) Any consequential or incidental amendments to the Proposed WDP (including the Ohinewai Zone Provisions) necessary to achieve the relief sought in Appendix 1 to this notice of appeal.

9. The following documents are **attached** to this notice of appeal:

- (a) A copy of the specific reasons for the appeal and the relief sought by the Waikato Regional Council (Appendix 1);
- (b) A copy of the Waikato Regional Council's further submission (Appendix 2);
- (c) A copy of the relevant decision (Appendix 3); and
- (d) A list of names and addresses of persons to be served with a copy of this notice (Appendix 4).

10. The Waikato Regional Council agrees to participate in mediation or other alternative dispute resolution of these proceedings.

DATED at Auckland this 2nd day of July 2021.



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Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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 Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's further submission and the relevant decision. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court, Auckland Registry.

APPENDIX 1 – Specific reasons for the appeal and the relief sought by the Waikato Regional Council

APPENDIX 2 – A copy of the Waikato Regional Council's further submission

APPENDIX 3 – A copy of the relevant decision

APPENDIX 4 – A list of names and addresses of persons to be served with a copy of this notice