

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

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

ENV-2022-AKL-000041

UNDER

the Resource Management Act 1991
(the **Act**)

IN THE MATTER OF

an appeal pursuant to Clause 14(1) of
the First Schedule of the Act

BETWEEN

**GERARDUS AARTS and YVONNE
GEMMA AARTS**

Appellant

AND

WAIKATO DISTRICT COUNCIL

Respondent

**NOTICE OF HUGHES DEVELOPMENTS LIMITED'S WISH TO BE A
PARTY TO PROCEEDINGS**

GREENWOOD ROCHE
LAWYERS
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TO: The Registrar

Environment Court

Auckland

- 1 Hughes Developments Limited (**HDL**) wishes to be a party to the following proceeding:
 - (a) *Aarts v Waikato District Council* (ENV-2022-AKL-000041), an appeal in relation to the Proposed Waikato District Plan (the **Appeal**) (the **PDP**).
- 2 HDL has a greater interest than the general public in the Appeal for the following reasons:
 - (a) HDL has lodged an appeal¹ on the PDP that also seeks the reinstatement of the General Residential zone over HDL's site.² As with the Appellant's site, a residential zoning of HDL's site was rejected by the Hearings Panel in favour of a General Rural zone in its Decision Report 28D: Zoning – Tuakau (the **Decision**).
 - (b) Similar to the Appellant's site, HDL's Site is contained in a future growth cell in the *Waikato 2070* Development Strategy³, and is also identified as appropriate for residential zoning under the Tuakau Structure Plan⁴ and Future Proof Growth Strategy 2017.
 - (c) In both cases, the primary reason given for that Decision was that zoning of those properties for residential development would be inappropriate given the identified existence of high class soils in those locations, and the related directions regarding protection of those soils within the Waikato Regional

¹ ENV-2022-AKL-000071.

² The land at 2339A Buckland Road, Tuakau is legally described as:

- Part Allot 5 PSH of Tuakau and Lot 1 DP 29843 (contained in record of title NA733/133); and
- Part Lot 1 DP 22667 (contained in record of title NA1830/93)

³ Waikato District Council (2020) *Waikato 2070 – Growth and Economic Development Strategy*, adopted by Waikato District Council 19 May 2020, at p 28.

⁴ Waikato District Council (2014), Tuakau Structure Plan, December 2014, Figure 13, at p 13.

Policy Statement Te Tauāki Kaupapahere Te-Rohe O Waikato (**RPS**).⁵

- (d) In substance, both HDL and the Appellant consider that the Panel incorrectly interpreted the directions of RPS (specifically Objective 3.26, Policy 14.2 and Method 14.2.1), and failed to appropriately address the requirements of the National Policy Statement on Urban Development 2020 (**NPS-UD**), particularly as they relate to the provision of sufficient development capacity to meet expected demand for housing.
- (e) As it traverses these same issues, the outcome of the Appeal will have a significant effect by way of advantage or disadvantage on HDL's own proceedings, which elevates HDL's interest in the Appeal beyond that of the general public.⁶

3 HDL is not a trade competitor for the purposes of section 308C or 308CA of the Act.

4 HDL is interested in all of the Appeal.

5 The particular issues HDL is interested in are:

- (a) The appropriateness (or otherwise) of applying the General Residential Zone to the Appellant's site in light of Objective 3.26, Policy 14.2 and Method 14.2.1 of the RPS.
- (b) Whether applying a General Rural Zone to the Appellant's site fails to give effect to the relevant objectives of the PDP and the policies of the RPS, including without limitation, those relating to growth targets, the provision of infrastructure and urban form.
- (c) The appropriateness (or otherwise) of applying the General Residential Zone to the Appellant's site in light of the requirements of the NPS-UD and any other directions within

⁵ Waikato District Council (2022) Reports and Decisions of the Waikato District Plan Hearings Panel *Decision Report 28D: Zoning – Tuakau*, dated 17 January 2022, at 4.36 – 4.44.

⁶ *Purification Technologies Limited v Taupo District Council* [1995] NZRMA 197, at 7; *Mt Christina Ltd v Queenstown Lakes District Council* [2018] NZEnvC 190 at [64].

subsidiary RMA or non-RMA documents regarding the provision of sufficient housing capacity.

(d) All other issues incidental to the appropriateness (or otherwise) of applying the General Residential Zone to the Appellant's site.

- 6 To the extent that the Appeal seeks to challenge the finding that rezoning from the Rural Zone to the General Residential Zone would reduce the availability of high class soils for primary production and is therefore contrary to the RPS, HDL supports the relief sought.
- 7 HDL agrees to participate in mediation or other alternative dispute resolution of the Appeal.

DATED this 22nd day of March 2022



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