

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**I MUA I TE KŌTI TAIAO
TĀMAKI MAKAURAU ROHE**

ENV-2022-AKL-000042

UNDER section 274 of the Resource Management Act 1991

IN THE MATTER of an appeal against decisions on the proposed Waikato District Plan

BETWEEN **Fonterra Co-operative Group Limited**
Appellant

A N D **Waikato District Council**
Respondent

SECTION 274 NOTICE BY KĀINGA ORA-HOMES AND COMMUNITIES

22 March 2022

**ELLIS GOULD
LAWYERS
AUCKLAND**

REF: Douglas Allan / Alex Devine

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AUCKLAND**

SECTION 274 NOTICE BY KĀINGA ORA-HOMES AND COMMUNITIES

**TO: The Registrar
Environment Court
Auckland**

KĀINGA ORA-HOMES AND COMMUNITIES (“**Kāinga Ora**”) gives notice under section 274 of the Resource Management Act 1991 (“**RMA**”) that it wishes to be a party to the appeal (“**Appeal**”) by Fonterra Co-operative Group Limited against the decision of the Respondent on the proposed Waikato District Plan (“**PDP**”).

1. Kāinga Ora made submissions about the subject matter of the proceedings. Amongst other things, Kāinga Ora’s submission and further submission on the PDP addressed the definitions as notified and the provisions relating to reverse sensitivity.
2. Kāinga Ora is also a person who has an interest in the proceedings that is greater than the interest the general public has on the grounds that Kāinga Ora:
 - (a) Manages a public housing portfolio in the Waikato District comprising approximately 393 dwellings¹, including dwellings located on land that will be directly affected by the relief sought in the appeal; and
 - (b) Has statutory roles and responsibilities under the Kāinga Ora – Homes and Communities Act 2019 which broadly relate to ensuring that projects and planning instruments do not inappropriately affect the quality, supply and affordability of housing.
3. Kāinga Ora is not a trade competitor for the purposes of section 308C or 308CA of the RMA. In any event, Kāinga Ora is directly affected by an effect of the subject of the appeal that:
 - 3.1 Adversely affects the environment; and

¹ As at December 2021.

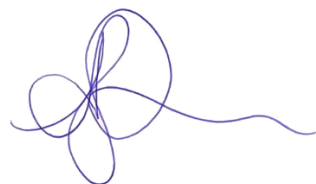
- 3.2 Does not relate to trade competition or the effects of trade competition.
4. Kāinga Ora is interested in the aspects of the appeal which seek to introduce a new definition for 'reverse sensitivity'.
5. Kāinga Ora opposes the relief sought on the basis that the concept has been defined and articulated through case law and that the definition proposed is inconsistent with that case law. Inaccurately defining the concept could support application of the reverse sensitivity provisions of the PDP more broadly leading to unwarranted restrictions on 'sensitive' land uses such as dwellings, with corresponding implications for housing capacity within the District.
6. To that end, if the relief sought is granted, and the Decision is modified as sought, the Decision:
 - 6.1 Will be contrary to the sustainable management of natural and physical resources;
 - 6.2 Will be inconsistent with the purpose and principles of the RMA;
 - 6.3 Will in those circumstances impact on the ability of people and communities to provide for their social, economic and cultural wellbeing; and
 - 6.4 Will not provide for the efficient use and management of natural and physical resources.
7. Kāinga Ora agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED at Auckland this 22nd day of March 2022

KĀINGA ORA-HOMES AND COMMUNITIES

by its solicitors and duly authorised agents

Ellis Gould



D A Allan / A K Devine

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 31, Vero Centre, 48 Shortland Street, PO Box 1509, Auckland 1140, DX CP22003, Auckland, Telephone: (09) 307-2172, Facsimile: (09) 358-5215. **Attention:** Douglas Allan / Alex Devine; dallan@ellisgould.co.nz / adevine@ellisgould.co.nz.