

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2022-AKL-000078

IN THE MATTER of appeals under Clause 14(1) of
Schedule 1 of the Act in relation to the
Proposed Waikato District Plan.

AND

IN THE MATTER of a Proposed District Plan

**BETWEEN ANNA NOAKES AND FRUHLING
TRUST**

Appellant

AND

WAIKATO DISTRICT COUNCIL

Respondent

**To: The Registrar
Environment Court – Auckland**

**SECTION 274 NOTICE FROM POKENO WEST LTD AND WEST POKENO LTD
ON THE APPEAL BY
ANNA NOAKES AND FRUHLING TRUST**

22 March 2022

Counsel Instructed

Peter Fuller
Quay Chambers
2 Commerce Street
P O Box 106215
Auckland City 1143
peter.fuller@quaychambers.co.nz
021 635 682

TO The Registrar
Environment Court
Auckland

NOTICE

1. Pokeno West Limited and West Pokeno Limited (**Pokeno West**) wish to be parties pursuant to s 274 of the Resource Management Act 1991 (**Act**) to the following proceedings:

Anna Noakes and Fruhling Trust v Waikato District Council: ENV-2022-AKL-000078

Master Topic: Proposed Waikato District Plan

2. Pokeno West made a submission (#97) on the Proposed Plan and has also lodged its own appeal – ENV-2002-AKL-000083.
3. Pokeno West has an interest in the whole of these proceedings because the Appellant seeks to reverse the Decision to rezone land at Pokeno and Pokeno West owns land that has been rezoned from rural to urban activities.
4. Pokeno West is interested in all of the issues arising from the relief sought.
5. Pokeno West is not a trade competitor for the purposes of section 308C or 308CA of the Act.
6. Pokeno West opposes the relief being sought for reasons including;
 - a) The flooding risk identified, as the reason to seek that the Decision to rezone land at Pokeno be overturned, is not supported by any technical assessment and modelling.
 - b) The assessment of stormwater undertaken by Top End, CSL Trust and Pokeno West, has shown that the development of the land for urban activities can achieve the required hydrological neutrality.
 - c) In any event, the more detailed engineering and modelling work, based on actual final subdivision and development proposals, will address all stormwater issues at the subdivision and landuse consenting stage.

- d) The engineering information supporting the Pokeno West rezoning was more than adequate for a rezoning determination. It is not appropriate to prevent rezoning based on unsupported concerns, when the Council has full regulatory control at the time of development to ensure that hydrological neutrality is achieved, by, for example, ensuring stormwater ponds are sized appropriately.
 - e) The relief does not give effect to the National Policy Statement – Urban Development 2020 because it will not provide adequate vacant land capacity in Pokeno to develop much needed housing.
 - f) Regarding the loss of primary production activity, housing and urban development is also productive and will greatly exceed the economic output and number of jobs from the current rural land uses. Top End, CSL Trust and Pokeno West, provided supporting economic evidence at the Hearing.
 - g) Therefore, the rezonings in the Decision satisfy the tests in s32 of the Act and, in particular, because urban activities will provide economic and employment opportunities.
 - h) The relief sought will not enable the Council to perform its functions under s31(1)(aa) to ensure there is sufficient development capacity in respect of housing and business land to meet the demands of the district.
 - i) The urban zonings are an efficient use of natural and physical resources (s7(b)).
 - j) The relief sought will adversely affect the social and economic wellbeing of landowners and potential new residents, that would be affected by the removal of urban zonings and affordable housing choices.
 - k) The relief does not meet the Purpose of the Act.
7. Pokeno West agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 22nd day of March 2022



Peter Fuller
Counsel for Pokeno West Limited

Address for service:

Peter Fuller
LLB, MPlan, DipEnvMgt, BHortSc
Barrister
P O Box 106215
Auckland City 1143
Phone: 09 374 1651
021 635 682
Email: peter.fuller@quaychambers.co.nz

LIST OF PARTIES TO BE SERVED WITH THIS NOTICE

Respondent – Waikato District Council

District Plan Hearings Administrator
Waikato District Council
Private Bag 544
Ngaruawahia 3742
Email: Districtplan@waidc.govt.nz

Anna Noakes

C/- Setareh Stienstra
Barrister
Kate Sheppard Chambers
Email: setareh@publiclawchambers.com
Cc: sam@gmlawyers.co.nz

Submitters Served By the Appeal