

**BEFORE THE ENVIRONMENT COURT AT
AUCKLAND**

ENV-2022-AKL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of an appeal under Clause 14(1) First Schedule of the
Act in relation to the Proposed Waikato District Plan
Decisions

BETWEEN **Rosita Barnes**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

NOTICE OF APPEAL

Instructing Solicitors:

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TO: The Registrar
Environment Court
Auckland

- 1 **Rosita Barnes ("Appellant")** appeals against decisions of the Waikato District Council ("**Respondent**") on its Proposed Waikato District Plan ("**PWDP**").
- 2 The Appellant made a submission/further submission to the PWDP.
- 3 The Appellant is not a trade competitor for the purposes of section 308D of the Act.
- 4 The Appellant received notice of the decisions on 17 January 2022.
- 5 The decisions were made by the Respondent.
- 6 The decisions appealed, reasons for the appeal and relief sought are set out below.

Hearing 25: Zone Extents; Ngaaruawaahia, Taupiri & Horotiu

- 7 The decision appealed is as follows:
The split Residential/Rural Lifestyle Zoning identified in the Decisions Version of the PWDP for the whole property at 2831 - 2851 River Road Ngaaruawaahia held in Certificate of Title SA183/128, being SECS 214, 215, 217-222 NTH NEWCASTLE SUBS BLKS VII VIII NEWCAS TLE SD.
- 8 The reasons for the appeal are as follows:
 - (a) The proposed zoning does not achieve the projected residential housing demand for Ngaaruawaahia identified in Future Proof and is not consistent with the Waikato Regional Policy Statement growth demands and is inconsistent with those documents.
 - (b) The proposed zoning does not meet the density targets for Ngaaruawaahia identified in Future Proof and the Waikato Regional Policy Statement
 - (c) The proposed zoning does not provide opportunity to meet the projected population growth to accommodate the National Policy Statement on Urban Development (NPS-UD) requirements.
 - (d) The 'split' zoning of the subject property, held in Certificate of

Title SA183/128, being SECS 214, 215, 217-222 NTH NEWCASTLE SUBS BLKS VII VIII NEWCASTLE SD, does not promote a good settlement pattern nor integrated subdivision practice/infrastructure planning.

- (e) The 'split' zoning of the property is inconsistent with the Objectives and Policies in the PDWP relating to growth targets/projections, character, amenity and urban form.
- (f) The proposed zoning does not provide for the range of housing options required to meet the needs of the community as outlined in the Objectives and Policies within the PDWP.
- (g) The proposed zoning does not provide for a subdivisional layout and design that maximises the efficient use of the land and minimises any adverse effect.
- (h) The proposed zoning does not achieve sufficient development density to support the provision of infrastructure services in the area.
- (i) The relief sought by the Appellant provides the opportunity to develop the land held in one Certificate of title in a manner consistent with good subdivision practice.
- (j) The relief sought supports the opportunity to subdivide and develop the subject land in a manner consistent with the Objectives and Policies contained within the PDWP.
- (k) The relief sought is consistent with the Waikato Regional Policy Statement and Future Proof Document.
- (l) The relief sought assists in meeting the anticipated growth projections for Ngaaruawaahia and is consistent with the NPS-UD.

9 **Relief Sought:** Amend the Zoning for the whole property at 2831 - 2851 River Road Ngaaruawaahia held in Certificate of Title SA183/128, being SECS 214, 215, 217-222 NTH NEWCASTLE SUBS BLKS VII VIII NEWCASTLE SD, to Residential Zone or Residential Medium Density Zone (refer to image 3 of attached Appendix 2 for identification of land to be rezoned)

10 **Alternative Relief:** In the alternative to the relief sought above, extend the Residential or Residential Medium zoning of the property held in Certificate of Title SA183/128, being SECS 214, 215, 217-222 NTH NEWCASTLE SUBS BLKS VII VIII NEWCASTLE SD to align with the southern boundary of the Residential zoned land on the north eastern side of River Road. The balance of the property to have a zoning of Settlement zone, Rural Lifestyle or Deferred Residential. That

alternative relief is identified in Image 4 on the attached Appendix 2.

- 11 **Further Alternative Relief:** In the alternative, a combination of Residential, Residential Medium Density, Rural Lifestyle or Rural Settlement zonings for the Appellant's land that creates the most efficient environment for development of that land for housing in accordance with the District Plan objectives and policies.
- 12 Any similar relief or consequential amendments that align with the relief/alternative relief sought.
- 13 Such other relief as the Court considers appropriate.
- 14 **Mediation:**
- The Appellant consents to engaging in mediation activity or any other resolution activity that maybe appropriate.
- 15 **Attachments:** Copies of the following documents are attached to this appeal:
- (a) **Appendix 1:** - a copy of the Appellant's further submission in Support of the submission 749 by Housing New Zealand Corporation
- (b) **Appendix 2 :** - Zoning Maps including the Decisions Version of the PWDP, the zoning sought by Housing New Zealand Corporation in their initial submission, and the relief/alternative relief sought by the Appellant.

DATED 1 March 2022



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P Lang, counsel for the Appellant, authorised to sign on her behalf

Address for service: PO Box 19539 Hamilton 3244,
AND by email to p.lang@xtra.co.nz
AND TO: Hawaii-pipeline@hotmail.com

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 have attached a copy of the appellant's submission and (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

*Delete if these documents are attached to copies of the notice of appeal served on other persons.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.