

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O
AOTEAROA**

UNDER the Resource Management Act 1991

IN THE MATTER of an appeal under clause 14 of
Schedule 1 of the Resource Management
Act 1991 against a decision of the Waikato
District Council on the Waikato District
Proposed District Plan

BETWEEN **S & T FLEMING** and **P JELACA**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**Notice of Appeal to Environment Court against decision on the Waikato
District Proposed District Plan**

Instructing Solicitors:
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To the Registrar of the Environment Court Auckland:

We, S & T Fleming and P Jelaca, appeal against a decision of Waikato District Council on the Waikato District Proposed District Plan (“the Proposed Plan”).

We made a submission on the Proposed Plan.

We are not trade competitors for the purposes of section 308D of the RMA.

We received notice of the decision on 17 January 2022.

The decision was made by the Waikato District Council.

The parts of the decision that we are appealing against are:

1. The decision of the Respondent to reject our submission that our properties and nearby properties at Old Taupiri Road, Ngaruawahia should be rezoned to Village Zone.

Reasons for the Appeal:

2. The most appropriate zoning for our properties at 101 & 109 Old Taupiri Road, 127 & 145 Old Taupiri Rd, Ngaruawahia and the other properties outlined in green on Appendix A to this Notice is Village Zone, now renamed Settlement Zone in the Decisions Version of the Proposed Plan.
3. The Respondent’s planning for residential growth at Ngaruawahia includes residential development of a substantial area of land on the eastern side of Old Taupiri Road and longer term residential development of our property and other properties on the western side of Old Taupiri Road.
4. It is more appropriate to make immediate provision for large lot residential development between the Waikato River and Old Taupiri Road in this locality. That option will achieve the following outcomes:
 - (a) An appropriate transition between the Residential Zone at Ngaruawahia and the Rural Zone north of the town.

- (b) Small lot urban development along this part of the Waikato River bank would not be the most appropriate use of that riverside land. A less intensive form of development will better preserve the natural character of the river margin.
 - (c) The need for additional housing at Ngaruawahia can be partially achieved through a slightly more intensive form of subdivision in our locality, without placing undue pressure on the Waikato riverbank location.
 - (d) Rezoning of the land to provide additional large lot housing now is preferable to a Residential rezoning at some unknown future time.
 - (e) Application of the Settlement Zone to this locality will provide for the most appropriate development density and the best prospect of retaining the semi-rural character that is presently established and that is appropriate for the location.
 - (f) The Settlement zone maintains a slightly rural aspect that would mirror the other side of the river which is not planned for future residential zoning.
 - (g) The properties we are appealing for rezoning (outlined in green in Appendix A) all have sufficient building sites outside of flood management areas.
5. Rather than applying the Settlement Zone to all of the land covered by the original submission, a smaller Settlement Zone along the river bank is now proposed, leaving the options open for longer term planning for the rest of the original submission area.

We seek the following relief:

1. Change the zoning of the land outlined in green on Appendix A to Settlement Zone.
2. Such other relief as is appropriate to enable large lot residential development of the land that is the subject of this appeal.

We attach the following documents to this Notice:

- (i) Appendix A;
- (ii) A copy of our submission;
- (iii) A copy of the Respondent's decision;
- (iv) A list of names and addresses of persons to be served with a copy of this Notice of Appeal

Dated: 28 February 2022



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P Lang, Counsel for the Appellant, authorised to sign on their behalf

Address for service: PO Box 19539 Hamilton 3244,

AND by email to p.lang@xtra.co.nz

AND TO: bryce@gallie.co.nz

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.