

**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 the decision of the Waikato  
District Council on Waikato District Proposed  
District Plan

**BETWEEN** **N & L PORRITT**

**Appellant**

**AND** **WAIKATO DISTRICT COUNCIL**

**Respondent**

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

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**Council Acting:**  
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**To the registrar of the Environment Court Auckland:**

N & L Porritt appeal against a Waikato District Council decision on the Waikato District Proposed District Plan (“the Proposed Plan:”).

We made a submission on the Proposed District Plan.

We are not a 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 Council decision to reject our request for changes to proposed rule 22.4.1.5 *Rural Hamlet Subdivision*.
2. The Council decision to reject our request for changes to proposed rule 22.4.1.7 *subdivision to create a reserve*.

The reasons for the appeal are as follows:

Rule 22.4.1.5 Rural Hamlet Subdivision (now in rule SUB-R48)

1. We requested that the rules allow for three to six proposed lots to be clustered together. The Respondent’s decision was to reject that submission and allow a cluster of three to four proposed allotments and one balance allotment. That would result in an inefficient and inflexible range of outcomes.
2. We requested that the minimum area of each proposed new allotment should be 5,000m<sup>2</sup>. That submission was rejected and the proposed minimum area of 8,000m<sup>2</sup> was retained. That would produce allotments that are wasteful of the rural land resource and not wanted by the market for this type of property. The larger minimum allotment size will not produce any substantial resource management benefit.

Rule 22.4.1.7 Subdivision to create a reserve (now in SUB-R50 subdivision to create a Reserve and incentive lot).

3. We requested removal of the requirement for the land being subdivided to contain an area that is identified in a Waikato District Council Parks Strategy and sought a broader requirement that the land being subdivided must contain an area that is identified in a Waikato District Council Strategy document as being required for permanent public access or for Reserve purposes.
4. The decision of the Respondent was to reject that submission and retain the requirement for the land to be identified in a Parks Strategy. This will create an overly restrictive and counterproductive outcome, through which some desirable public access and reserve outcomes will not be covered by this rule, and the Council opportunity to secure public land through this subdivision mechanism will be unduly restricted.
5. We also oppose the requirement that the land identified for public access or reserve purposes is to be vested in Council. This request was rejected.
6. The limitation of the rule to circumstances where land is vested in the Council is unduly restrictive, by excluding cases where land is to be subjected to a public easement in gross or other mechanism different to vesting in Council.
7. We opposed the minimum additional lot size of 8,000m<sup>2</sup> and requested a minimum lot size of 5,000m<sup>2</sup>, to meet public demand and efficiency of use of the rural land resource.
8. The Respondent rejected our submission and retained the minimum lot size of 8,000m<sup>2</sup>. This will be wasteful of the rural land resource, contrary to market demand and will achieve no substantial resource management benefit.
9. We opposed the non-complying activity status where any of the standards in rule SUB-R50 are not met and requested a discretionary activity status where there is a failure to comply with conditions (a)(ii)-(iv), but preserving non-complying activity status for non-compliance with condition (a)(i).

10. The Respondent's decision rejected our submission and retained the non-complying activity status for all applications that fail to comply with any one of the conditions in (a)(i)-(iv). That decision will create undue difficulty in securing a subdivision consent to support the creation of public access or reserves on land that has been in private ownership. Discretionary activity status for most non-compliances will provide the appropriate degree of flexibility in decision-making.

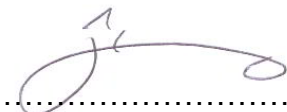
We seek the following relief:

1. Grant the relief requested in our submission.
2. Such other consequential changes to the Proposed District Plan subdivision rules as are appropriate to achieve full integration of our primary requested changes into the Proposed Plan.

We attach the following documents to this notice:

- (a) A copy of our submission.
- (b) A copy of the Respondent's decision.
- (c) A list of names and addresses of persons to be served with a copy of this notice.

Dated: 28 February 2022



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Counsel for the Appellant

P Lang

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AND TO: [pukeroro@xtra.co.nz](mailto:pukeroro@xtra.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.