

**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 Upton**  
**Appellant**

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

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**MEMORANDUM OF COUNSEL FOR THE APPELLANT**

Dated: 22 August 2024

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**MAY IT PLEASE THE COURT:**

1. The purpose of this Memorandum is to advise the Court and other parties of the following proposed changes to the relief that is sought by the Appellant. The main effect of the change in relief sought is to remove the land owned by the Sewells from the scope of the appeal.

1. *The description of relief sought in the Notice of Appeal is replaced by the following:*
  - (a) *Rezoning of the land shown as area 1 in the attached plan to Rural General Zone;*
  - (b) *Rezoning of the land shown as area 2 in the attached plan to General Residential Zone;*
  - (c) *No change to the zoning of any other land as determined by the Proposed District Plan process; and/or alternatively:*

2. *If the relief in 1 above is not granted, rezoning of the land identified as area 1 in the attached plan to Large Lot Residential or another form of lower density residential zoning, or a combination of zonings, that better reflect the environmental setting of the site and avoid reverse sensitivity effects on adjoining established lawful rural activity; and  
rezoning of the land shown as area 2 in the attached plan to General Residential Zone; and/or, alternatively:*

3. *development controls are added into the District Plan provisions for development of the land shown as area 1 in the attached plan to achieve the following:*
  - (a) *An appropriate transition from residential to rural environments;*
  - (b) *Appropriate recognition of and response to the landform, landscape and natural features;*
  - (c) *Ensure compatibility of rural and urban development and activities;*
  - (d) *Appropriate management of development near to watercourses and wetlands.*

Dated: 22 August 2024



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P Lang, Counsel for the Appellant, authorised to sign of his behalf