

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV-**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU**

**IN THE MATTER** of the Resource Management Act 1991 (the **Act**)

**AND**

**IN THE MATTER** of an appeal pursuant to clause 14 of schedule 1 of the  
Act

**BETWEEN** **WARD GROUP**

**Appellant**

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

**Respondent**

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**NOTICE OF APPEAL**  
**Dated: 24 February 2022**

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Andrew Green  
Partner  
green@brookfields.co.nz  
Telephone No. 09 979 2172  
P O Box 240  
**AUCKLAND**

**BROOKFIELDS**  
LAWYERS

**To** The Registrar  
Environment Court  
Auckland

1. Ward Group (**Ward**) appeals against the decision of the Waikato District Council on the Proposed Waikato District Plan (**Proposed Plan**).
2. Ward made a submission on the Proposed Plan.
3. Ward is not a trade competitor for the purposes of section 308D of the Act.
4. Ward received notice of the decision on 17 January 2022.
5. Ward is appealing the decision to decline its submission seeking to rezone its sites<sup>1</sup> at Meremere, comprising approximately 56 hectares, from Rural Zone to a mix of Industrial and Business Zones.

#### **Reasons for the Appeal**

6. The general reasons for the appeal are that the decision:
  - (a) Does not achieve the sustainable management purpose of the Act;
  - (b) Does not meet the requirements of section 32 of the Act;
  - (c) Is otherwise contrary to relevant resource management instruments.
7. Without derogating from the generality of the foregoing, the re-zoning of Ward's land as Heavy Industrial Zone as sought in its submission:
  - (a) Achieves the sustainable management purpose of the Act;
  - (b) Meets the requirements of section 32 of the Act;
  - (c) Is an efficient use of natural and physical resources;
  - (d) Will provide sustainable employment and wider economic development opportunities for the people and communities of Te Kauwhata and Meremere Village;
  - (e) Will provide for consolidation of activities and secure transport efficiencies;

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<sup>1</sup> Legal Description: LOT 2 DPS 14402 SECS 8 12 14 SO 459323 SEC 6 SO 41728926 SO 383114 ALLOT 679 WHANGAMARINO PSH SO 41542; and PT ALLOT 427 WHANGAMARINO PSH DP 21294

- (f) Integrates with existing strategic transport infrastructure of SH1 and the main trunk rail line, including through land owned by Ward Group outside the area identified in the submission which enables multiple connections to existing access points to SH1, and is proximate to significant energy links;
- (g) Complements the adjoining Tainui Holdings heavy industrial land (approximately 70 hectares) creating an opportunity for an integrated industrial “hub” that can cater to a range of uses including heavy industrial, bulk distribution and aggregation, a range of manufacturing and servicing, as well as ancillary residential activities and offices;
- (h) Provides the opportunity for the private provision of essential water and wastewater services enabling development ready industrial land supply while alleviating pressure on Council’s capital expenditure budgets;
- (i) Can deliver high levels of user amenity and environmental amenity to result in a net improvement to water quality;
- (j) Can effectively address site constraints, such as major overhead power line corridors, ecological areas, and flood risk, by managing these within the structure plan and using such areas to support environmental repair within the business precinct;
- (k) Complements long term district and regional growth strategies (including the Waikato 2070 Economic Strategy and the Auckland-Hamilton Corridor Plan) and future land supply needs.

### **Relief sought**

8. Ward seeks the following relief:

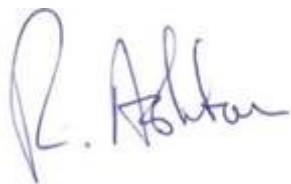
- (a) Rezone its sites <sup>2</sup> at Meremere, comprising approximately 56 hectares, from Rural Zone to Heavy Industrial Zone (HIZ-decisions version) as included in the Proposed District Plan.

<sup>2</sup> Legal Description: LOT 2 DPS 14402 SECS 8 12 14 SO 459323 SEC 6 SO 41728926 SO 383114 ALLOT 679 WHANGAMARINO PSH SO 41542; and PT ALLOT 427 WHANGAMARINO PSH DP 21294

- (b) Such other further and consequential relief, including the imposition of appropriate structure plan or precinct provisions, as would address the reasons for the appeal.
- 9. The following documents are attached to this notice:
  - (a) a copy of Ward's submission (**Appendix A**);
  - (b) a copy of the relevant part of the decision (**Appendix B**);
  - (c) a list of names and addresses of persons to be served with a copy of this notice (**Appendix C**).

**DATED** 24 February 2022

**WARD GROUP** as appellants by their  
lawyers and duly authorised agents  
**BROOKFIELDS**



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**A Green / R Ashton**

**Address for service of appellants:**

Brookfields Lawyers  
A Green / R Ashton  
green@brookfields.co.nz / ashton@brookfields.co.nz  
Telephone No. 09 379 9350  
P O Box 240  
Auckland

### **Advice to recipients of this notice 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).



8 October 2018

Waikato District Council  
Private Bag 544  
Ngaruawahia  
3742  
New Zealand

Dear Sir,

I would like to change the zoning of my properties at Meremere from rural to industrial and to business.

I accept the rules, objectives and policies of the industrial zone and the business zone under the proposed District Plan, i.e. no changes are requested.

**My property details:**

**Address:**

25 Island Block Road, Meremere and the property to the east of 25 Island Block Road and the railway line, see attached plan which identifies my properties.

**Legal Description:**

LOT 2 DPS 14402 SECS 8 12 14 SO 459323 SEC 6 SO 41728926 SO 383114 ALLOT 679 WHANGAMARINO PSH SO 41542; and  
PT ALLOT 427 WHANGAMARINO PSH DP 21294

The combined properties have a site area of approximately 56 hectares.

I request this industrial and business zonings because I have a future vision for my land. This vision includes:

**Employment land, sustainable communities and economic development**

A purpose designed, and serviced business precinct will provide sustainable employment and wider economic development opportunities for the recently approved 1600 lot residential development at Te Kauwhata. It will also breathe life into Meremere Village which was decimated by the closure of the Meremere power station and further compromised by recent improvements to SH1.

Without diverse, robust and sustainable local work opportunities Te Kauwhata's planned population and the communities of the northern Waikato will be consigned to the increasingly less sustainable option of commuting into the Auckland region or greater Hamilton.

Working 'locally' will take short and longer-term capacity demands off SH1 thus contributing to the sustainability of the road network.

Sustainable local work will deliver economically robust and sustainable local communities.

The Resource Management Act acknowledges that a sustainable economy is one of the pillars of sustainability. Councils District Plan is required to demonstrate how it supports sustainable economic development.

Council has the vision to invest in economic development strategies and community development initiatives. A zoned, market ready supply of industrial and business land is essential to achieving these goals.

### **Integrated infrastructure supply enabling sustainable economic development**

In combination with the adjoining Tainui Holdings heavy industrial land (70 hectares approx.) the rezoning of my land to *Industrial zoning and Business zoning* creates an opportunity for the integrated provision of infrastructure to provide 'market ready' industrial and business land.

Often newly zoned land is not market ready because it is not serviced.

Servicing can place an unsustainable demand on Councils capital resources.

The private sector can build infrastructure, to local government standard more quickly and cost effectively because it does not operate under the same constraints as local government.

Build own and transfer (BOT) type solutions can provide essential water and waste water services enabling development ready business land supply while alleviating pressure on Councils capital expenditure budgets.

These opportunities can only be recognised with economies of scale. An industrial and business precinct of 130 hectares provides the scale opportunity for private infrastructure investment and development.

The rezoning of my land achieves this critical scale.

### **An integrated structure planned business precinct at a scale able to provide for an evolving range of business and industrial activities**

If Council supports, the rezoning of my land to *industrial and business* I will work 'cross boundary' with Tainui Holdings to plan and deliver an integrated business precinct that can cater to all business uses from heavy industrial, bulk distribution and aggregation, a range of manufacturing and servicing including 'live above' and offices.

130 hectares provides the necessary scale to achieve the above while also creating scope to deliver high levels of user amenity, environmental amenity and improved water quality outcomes.

This land is unique in its location:

- It can be serviced by New Zealand's main trunk rail line, SH1 and energy links
- It is on the door step of regional Auckland and 60km kilometres away from the northern boundary of Hamilton City. Both cities are struggling to provide business land at a scale and price point demanded by New Zealand's modern economy

### **Sustainable Environmental Outcomes**

I support Iwi and Councils goal of improving water quality in the Waikato, its tributaries and the health of local wetlands. Intensive dairy farming and agribusiness is being increasingly recognised as challenging these goals.

If Council rezones my land to *Industrial and Business zonings* I will work cross boundary with Tainui Holdings and all Iwi groups with mana whenua to structure plan a broader business



precinct characterised by wetland and riparian veins designed to result in a net improvement to water quality.

These ecosystem services will also provide a 'point of difference' level of urban amenity attracting and benefiting business land developers and their customers.

I know these goals are shared by Waikato Iwi. My intention is to fully involve Iwi in the creation of this place and its environmental outcomes.

My broader business activities put me in the unique position of being able to cost effectively bund and therefore screen much of the broader business precinct from visually sensitive receiving environments like SH1. I intend to work with Iwi, Tainui Holdings and neighbours to plant these bunds with the goal of creating internal and external visual amenity.

#### **Dealing with land otherwise sterilised by overhead power line corridors**

The development potential of my land is severely impacted by major overhead power line corridors. This is reality.

Rezoning my land to the higher and better use of *Industrial and Business zonings* does not conflict with these corridors. They can be accommodated within the structure plan and could be used to support environmental repair within the business precinct.

#### **Working in partnership with Council and Iwi**

Sustainable economic development, sustainable communities and sustainable environments can only be delivered via partnerships.

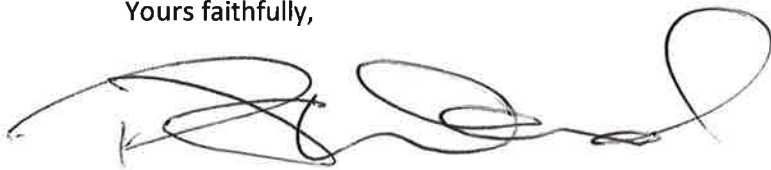
I am a willing partner as I am sure are Iwi.

I am asking Council to support my vision and use its District Plan review to facilitate an integrated business precinct by changing the zoning of my land.

Council and its professional planners and engineers know only too well the time and financial burden of the detailed place and infrastructure planning needed to achieve the sustainable development outcomes I have identified above.

I need Councils initial support to the rezoning I have requested. This will give me confidence to move forward and invest in the ever-increasing levels of detail required to meet the Resource Management Acts requirements for demonstrably sustainable development.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Peter Ward', with a large, stylized loop at the end.

**Peter Ward**

AUCKLAND 60 KM



HAMILTON 60 KM





## **WAIKATO DISTRICT COUNCIL**

### **Hearings of Submissions on the Proposed Waikato District Plan**

### **Report and Decisions of Independent Commissioners**

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#### **Decision Report 28N: Zoning - Mercer and Meremere**

**17 January 2022**

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#### **Commissioners**

Dr Phil Mitchell (Chair)

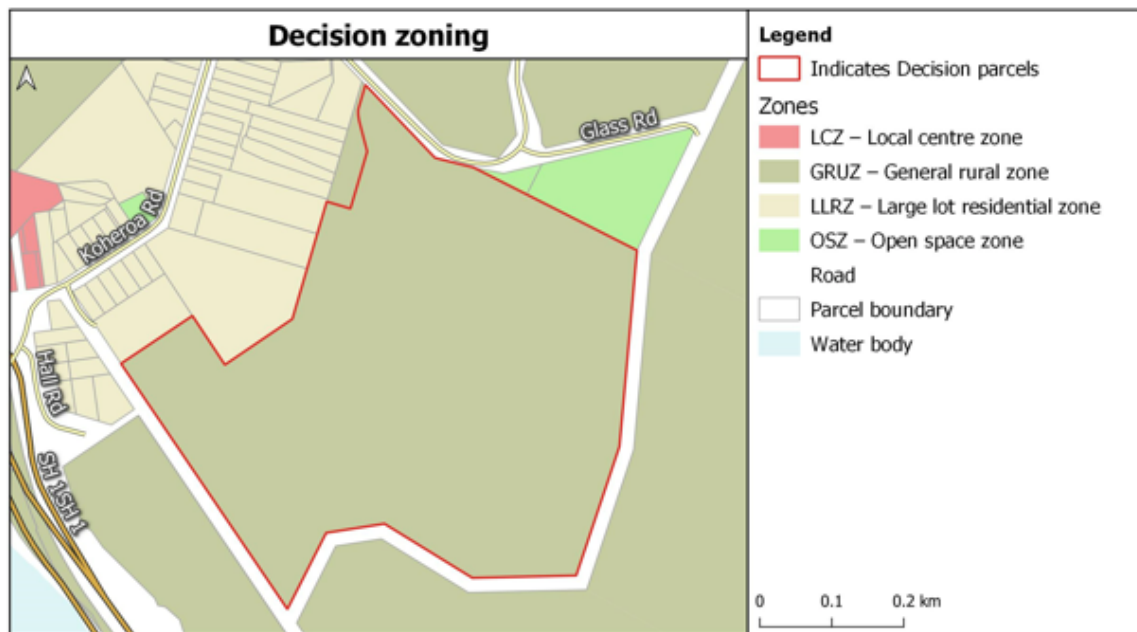
Mr Paul Cooney (Deputy Chair)

Councillor Jan Sedgwick

Councillor Janet Gibb

Mr Dynes Fulton

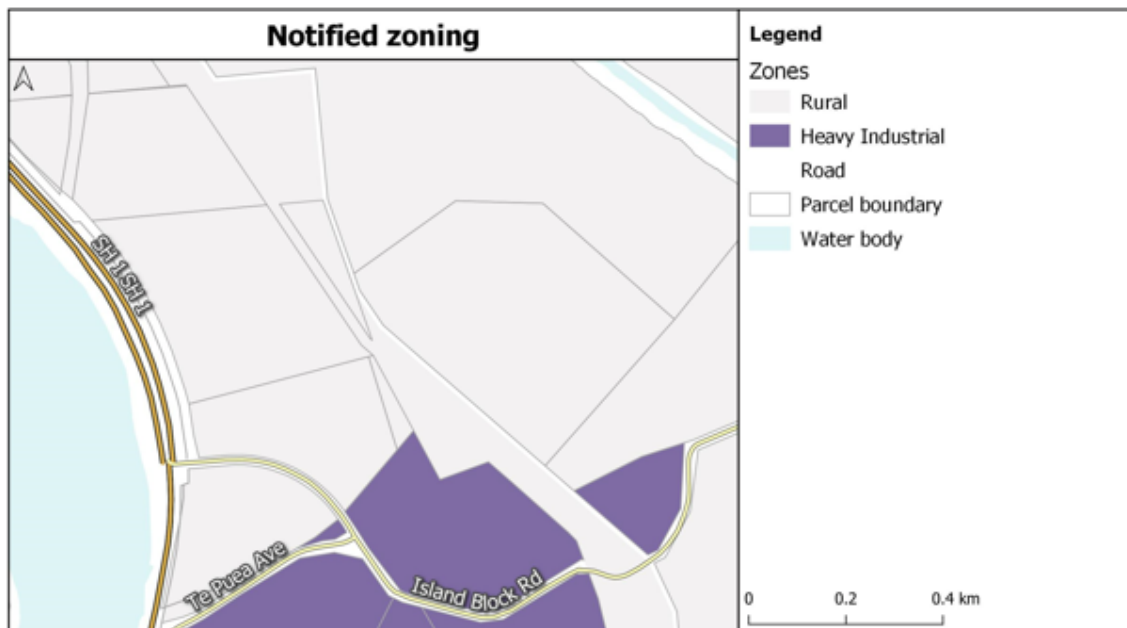
Mr Weo Maag



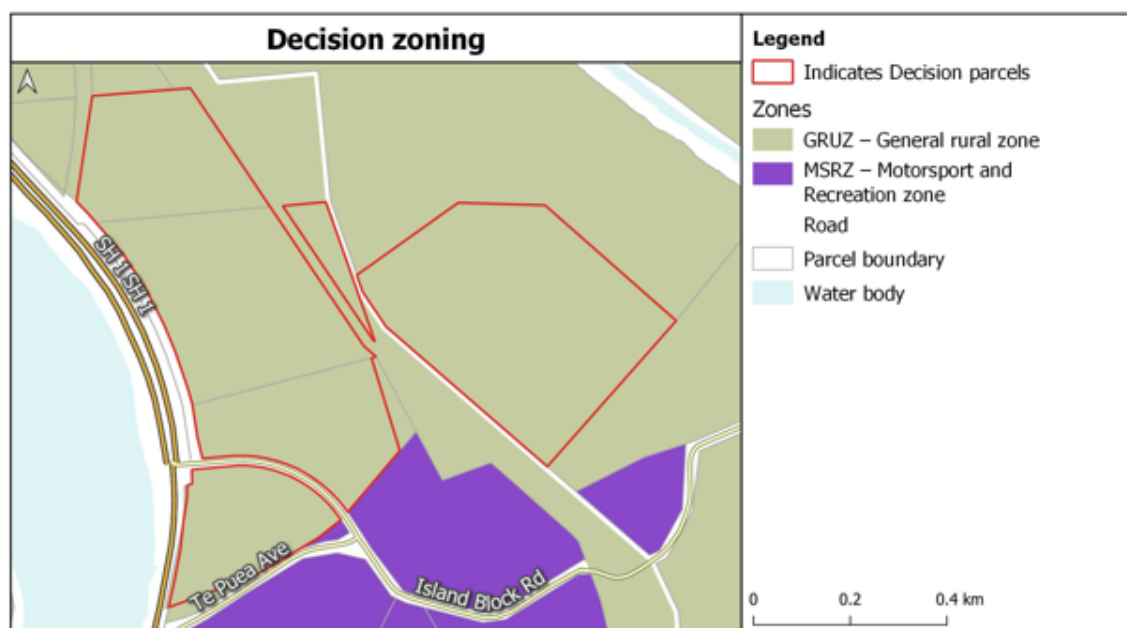
**Figure 11: Area 2 Decision zoning**

**Area 3: Mercer Village extension**

- 5.28 Turning to Area 3 and the request by Ward Demolition to rezone their sites from Rural Zone to a mix of Industrial and Business zones, we note that no evidence was filed by Ward Demolition on this matter.
- 5.29 The section 42A report recommended that the sites not be rezoned, and that they remain Rural Zone for the following reasons:
- Numerous constraints, including proximity to the Waikato River, the Whangamarino river and wetland, National Grid lines and Significant Natural Areas; and
  - Information provided as a result of a resource consent application indicates the land is flood prone.
- 5.30 We accept the recommendation and reasons in the section 42A report for this site. We find the rezoning of these sites to Business and Industrial zones to be inappropriate given the level of information before us, and that a number of constraints, such as flooding have not been addressed by the submitter.
- 5.31 Given the above, we have not made any changes to the PDP with respect to the site and the PDP remains as follows:



**Figure 13: Area 3 Notified zoning**



**Figure 14: Area 3 Decision zoning**

**Area 4: Hampton Downs motorsport and recreation zone extension:**

- 5.32 With respect to Area 4, Mr White on behalf of Reid Investments Limited recommended that their site be included within the Hampton Downs Motorsport and Recreation Zone, with the addition of a precinct to further tailor the provisions proposed to apply to the site. The section 42A report recommended that the site not be rezoned, and that it should remain Rural Zone.

**Appendix C - List of names and addresses of persons to be served with a copy of this notice**

**Auckland/Waikato Fish and Game Council**

Asintenie@fishandgame.org.nz; bwilson@fishandgame.org.nz

**Waikato Regional Council**

Miffy.foley@waikatoregion.govt.nz

**Department of Conservation**

Mburns@doc.govt.nz

**Perry Group Limited**

Aaron.collier@aurecongroup.com

**Mercury NZ Limited**

Catherine.somerville-frost@chapmantripp.com;  
alana.lampitt@chapmantripp.com

**Te Whakakitenga o Waikato Incorporated (Waikato Tainui)**

Lorraine.dixon@tainui.co.nz