

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

I MUA I TE KOOTI TAIAO O AOTEAROA

ENV-2025-AKL-

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

AND

IN THE MATTER of an appeal under
clause 14(1) of the First
Schedule of the Act

BETWEEN **WAIKATO REGIONAL
COUNCIL**

Appellant

AND **WAITOMO DISTRICT
COUNCIL**

Respondent

NOTICE OF APPEAL

To: The Registrar
Environment Court
Auckland

1. The Waikato Regional Council appeals against the decision of the Waitomo District Council (**Respondent**) on its Proposed Waikato District Plan (**Proposed DP**):

(a) Decision Report: Chapter 50. Future Urban Zone and APP5 Structure Plan Requirements.

(Referred to as the **Decision**)

2. The Waikato Regional Council made:

(a) A submission dated 23 December 2022 on the Proposed DP;

(b) A further submission dated 27 July 2023 on the Proposed DP;

3. The Waikato Regional Council is not a trade competitor for the purposes of section 308D of the Act.

4. The Waikato Regional Council received notice of the Decision on 19 June 2025. The Decision was made by an Independent Hearings Panel of the Waitomo District Council.

Parts of the Decision that are appealed

5. The Waikato Regional Council appeals the following specific parts of the Decision:

(a) With respect to Decision Report: Chapter 50. Future Urban Zone and APP5 Structure Plan Requirements – the Hearing Panel’s decision to not remove the Future Urban Zone (FUZ) from natural hazard prone land:

“...consider that there is no need to remove the FUZ from land on the basis of the presence of a natural hazard overlay.”

Reasons for appeal

6. The reasons for the appeal are:

- (a) The Waikato Regional Council in its submission on the Proposed DP sought to ensure that land subject to identified natural hazard risk is not rezoned for urban development.
- (b) This submission point was declined by the Hearings Panel.
- (c) By rejecting the submission point, the Decision means that there is community expectation that the areas will be rezoned in the future, potentially resulting in damage to life and property and the need to undertake mitigation or managed retreat. This means that the Proposed DP will not achieve the purpose of the Act because it:
 - (i) Ignores the reality that these areas are subject to natural hazard risk;
 - (ii) Does not give effect to development principles (APP11) in the Waikato Regional Policy Statement (WRPS), including h) direct new development away from identified natural hazards. The WRPS also directs district plans to take a precautionary planning approach to any activity where the effects may be significant but are uncertain (IM-M7). Further, the WRPS provides for a reduction of the risks to the regional community from natural hazards by ensuring that development is appropriate with respect to the level of risk posed (HAZ-P2);
 - (iii) Does not recognise and provide for the management of significant risks from natural hazards in accordance with section 6(h) of the RMA.

7. For the reasons set out above the Decision means that Proposed DP will not meet the requirements of the Act and will not assist the Waitomo District Council to achieve the purpose of the Act.

Relief Sought

8. The Waikato Regional Council seeks, by way of relief, that the Proposed DP be amended to:
- (a) Remove the FUZ, as notified in the Proposed DP, from land on the basis of the presence of a natural hazard, until a complete assessment of natural hazard risk is undertaken to support the rezoning.
 - (b) Such other orders, relief or other consequential amendments as are considered appropriate or necessary by the Court to address the concerns set out in this appeal.

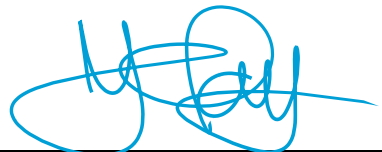
Attachments

9. The following documents are attached to this notice:
- (a) A copy of the Waikato Regional Council's submission and further submission (**Appendix 1**);
 - (b) A copy of the relevant part of the Decision (**Appendix 2**); and
 - (c) A list of names and addresses of persons to be served with a copy of this notice (**Appendix 3**).

Mediation

10. The Waikato Regional Council agrees to participate in mediation or other alternative dispute resolution of these proceedings.

DATED at Hamilton this 31st day of July 2025



Tracey May
Director, Science and Strategy
Waikato Regional Council

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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,-

- (a) 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
- (b) 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 Resource Management Act 1991.

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 attach a copy of the appellant's further submission and the relevant decision. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court Auckland Registry.