

BEFORE THE ENVIRONMENT COURT
I MUA I TI KOOTI TAIAO O AOTEAROA

UNDER the Resource Management Act 1991

IN THE MATTER of an appeal pursuant to Clause 14(1) of Schedule 1 to the Act

BETWEEN **Lakeside Developments 2017 Limited (LDL)**

Appellant

AND **Waikato District Council (the Council)**

Respondent

NOTICE OF APPEAL
ON BEHALF OF LAKESIDE DEVELOPMENTS 2017 LIMITED

Dated: 28 February 2022

**Notice of appeal to Environment Court against decision on the Proposed
Waikato District Plan – Decisions Version**

Clause 14(1) of Schedule 1, Resource Management Act 1991 (the Act)

To: The Registrar
Environment Court
AUCKLAND

1. The appellant, Lakeside Developments 2017 Limited (LDL), appeals against parts of the decision of the Waikato District Council (the Council) on the Proposed Waikato District Plan (PDP).
2. The appellant made a submission on the PDP.
3. The appellant is not a trade competitor for the purposes of section 308D of the Act.
4. The decisions version of the PDP was formally notified by the Council on 17 January 2022.
6. The parts of the decision the appellant is appealing are the parts of the Council’s decision as set out in:
 - Decision Report 5: Strategic Directions
 - PREC31 – Lakeside Te Kauwhata Precinct
7. The reasons for the appeal are as follows:

Decision Report 5: Strategic Directions:

 - (a) In its submission, LDL sought to confirm “Policy 4.1.12 – Te Kauwhata” contained in “Chapter 4 – Urban Environment” of the notified PDP.

- (b) LDL considers that this policy makes it clear that growth at Te Kauwhata and the Lakeside precinct is an important method for achieving the overall growth objectives for Waikato region.
- (c) The Council has subsequently omitted “Policy 4.1.12 – Te Kauwhata” from the decisions version of the PDP for reasons outlined in “Decision Report 5: Strategic Directions”:
- “We have deleted Objective 4.1.7 and Policies 4.1.10-4.1.18 in their entirety as many of the matters identified as being unique for each town and village were duplicates and did not actually reflect the character, amenity or features of each town.”*
- (d) The policy specifically addresses growth and development of Te Kauwhata and the Lakeside Precinct. The policies address issues specific to Te Kauwhata and this precinct. They are not sufficiently addressed in the generic policies.
- (e) It is considered that the inclusion of “Policy 4.1.12 – Te Kauwhata” in the PDP is the most appropriate planning outcome for Te Kauwhata because it sets the base for the rule framework to inform development in Te Kauwhata.

PREC31 – Lakeside Te Kauwhata Precinct

- (f) The notified PDP version of “Chapter 4 – Urban Environment” contained “Policy 4.1.12 – Te Kauwhata” relating to Lakeside as detailed in Appendix C to this Notice of Appeal. This policy was specific to the Lakeside development and should be retained.
- (g) The “PREC31 – Lakeside Te Kauwhata Precinct” chapter of the decisions version of the PDP contains no objectives or policies.
- (h) No submissions sought that these provisions be deleted.

8. The appellant seeks the following relief:

- a) Include the following policy in the “PREC31 – Lakeside Precinct” chapter of the PDP decisions version as sought by the appellant’s submission:

PREC31 Lakeside : Te Kauwhata Precinct

Policies

Development of the Lakeside Precincts provides for growth, achieves a compact urban form and creates a high level of amenity and sense of place.

- (i) Provides for medium density and higher density housing and including housing for the elderly and a range of housing typology on small lots to assist housing affordability;*
- (ii) Manages the balance between creating areas for growth and open space, and retaining an appropriate size and capacity flood plain to assist flood management within the Waikato River system;*
- (iii) Implement a high standard of urban design including lot orientation, outlook to Lake Waikare, streetscape design, connection to the open space network, and access to the Lake Waikare forshore;*
- (iv) Creating an Iwi reserve on the eastern most point of the Lakeside development and vesting this land in Iwi;*
- (v) Integrates with the Te Kauwhata Town Centre through improved connections to Lakeside and Lake Waikare, particularly walking and cycling;*
- (vi) Mitigates the potential adverse effects on noise sensitive activities in the vicinity of the rail corridor arising from the operation of the North*

Island Main Trunk line (NIMT), including meeting minimum internal noise and vibration standards and improvements at the Te Kauwhata Road rail crossing.”

b) Such other further or consequential relief as is necessary or appropriate to address matters raised in this notice of appeal.

9. The appellant attaches the following documents to this notice:

- (a) a copy of LDL’s submission on the PDP – Appendix A;
- (b) a copy of the relevant parts of the decision – Appendix B;
- (c) PREC31 – Lakeside Te Kauwhata Precinct Provisions – Appendix C; and
- (d) a list of names and addresses of persons to be served with a copy of this notice – Appendix D.

Date: 28 February 2022



John Duthie

On behalf of Lakeside Developments 2017 Limited

Address for service of the appellant:

Tattico Ltd

Level 11, West Plaza Tower, 1-3 Albert Street, Auckland 1010 PO Box 91562, Victoria Street, Auckland 1142, New Zealand

Telephone: 0211560404

Email: John.Duthie@tattico.co.nz

Contact person: John Duthie

Appendix A: Lakeside Developments 2017 Limited's submission

Refer to attached document

Appendix B: Relevant parts of the decision

Refer to attached documents

Appendix C: PREC31 – Lakeside Te Kauwhata Precinct Provisions

4.1.12 Policy - Te Kauwhata

(a) Te Kauwhata is developed to ensure;

(i) Development is avoided on areas with geotechnical and ecological constraints;

(ii) Lakeside is the only area that provides for the medium term future growth and is developed in a manner that connects to the existing town and maintains and enhances the natural environment; and

(iii) A variety of housing densities is provided for.

(b) Development of the Lakeside Precincts provides for growth, achieves a compact urban form and creates a high level of amenity and sense of place.

(vii) Provides for medium density and higher density housing and including housing for the elderly and a range of housing typology on small lots to assist housing affordability;

(viii) Manages the balance between creating areas for growth and open space, and retaining an appropriate size and capacity flood plain to assist flood management within the Waikato River system;

(ix) Implement a high standard of urban design including lot orientation, outlook to Lake Waikare, streetscape design, connection to the open space network, and access to the Lake Waikare forshore;

(x) Creating an Iwi reserve on the eastern most point of the Lakeside development and vesting this land in Iwi;

(xi) Integrates with the Te Kauwhata Town Centre through improved connections to Lakeside and Lake Waikare, particularly walking and cycling;

Mitigates the potential adverse effects on noise sensitive activities in the vicinity of the rail corridor arising from the operation of the North Island Main Trunk line (NIMT), including

*meeting minimum internal noise and vibration standards and improvements at the Te
Kauwhata Road rail crossing.*

Appendix D: List of names of persons to be served

Andrew and Christine Gore

Akatea 295 Kay Road Horsham Downs RD1 Hamilton 3281

aandcgore@gmail.com

Jade Hyslop

67 Government Road Raglan 3225

jade.r.hyslop@gmail.com

Whaingaroa Environmental Defence Inc. Society

John Lawson

51 Cliff Street Raglan 3225

johnragla@gmail.com

KiwiRail Holdings Limited

PO Box 593 Wellington 6140

pam.butler@kiwirail.co.nz

Lakeside Developments 2017 Limited

PO Box 105526 Auckland City Auckland 1143

simon.ash@wintonpartners.co.nz

Linda Silvester

20a Violet Street Raglan 3225

lgsilvester@gmail.com

Malibu Hamilton

PO Box 2 Whaingaroa

malibuoutwest@outlook.com

Mercer Residents and Ratepayers Committee

19 Koheroa Road RD2 Mercer 2474

mercerccommittee123@gmail.com

Ministry of Education

Agent: Andrew Hill

Beca Ltd

PO Box 903 Tauranga 3140

andrew.hill@beca.com

Ngati Tamaoho Trust

PO Box 61156 Otara Auckland 2159

info@tamaoho.maori.nz

Ngati Te Ata

c/- Karl Flavell PO Box 437 Pukekohe 2340

karl_flavell@hotmail.com

Rochelle Hulme

58 Scott Road RD2 Te Kauwhata 3782

dave.roche@xtra.co.nz

Sandra Ellmers Family Trust

PO Box 8 Raglan 3265

sellmers@xtra.co.nz

Sharp Planning Solutions Ltd

142 River Road Hamilton East Hamilton 3216

sharp.k19@gmail.com

Terra Firma Resource Ltd

PO Box 67 Ngaruawahia 3742

lucy@terrafirma.kiwi.nz

Waikato District Council

Attn: Gavin Ion and Will Gauntlett 15 Galileo Street Ngaruawahia 3724

will.gauntlett@waidc.govt.nz

Waikato Regional Council

c/- Lisette Balsom Private Bag 3038 Waikato Mail Centre Hamilton 3240

Lisette.balsom@waikatoregion.govt.nz

Avondale Trust

3016 State Highway 23 Raglan 3295

felicityellmers@gmail.com

Garth and Sandra Ellmers

PO Box 8 Raglan 3265

sellmers@xtra.co.nz

Housing New Zealand Corporation

Agent: Dr CE Kirkman / A Devine

Ellis Gould Lawyers

PO Box 1509 Auckland 1140

ckirman@ellisgould.co.nz

Koning Family Trust and Martin Koning

Agent: Samuel Foster

Bloxham Burnett & Olliver

PO Box 9041 Hamilton 3240

sfoster@bbo.co.nz

Lakeside Development Limited

C/- John Duthie Tattico Ltd Level 10 1-3 Albert Street Auckland 1142

john.duthie@tattico.co.nz

Mercury NZ Limited

PO Box 2206 Auckland 1140

catherine.somerville-frost@chapmantripp.com

New Zealand Pork Industry Board

Unit 2a/9 Sir Gil Simpson Drive Burnside Christchurch 8053

jeska.mchugh@pork.co.nz