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Waikato District Council

28 February 2022

By Post

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ENV-2022-AKL- Tuakau Proteins Limited v Waikato District Council

- 1 We act for the appellant, Tuakau Proteins Limited, in the above matter.
- 2 Please find **enclosed**, by way of service:
 - (a) Notice of Appeal to Environment Court against part of a decision of Waikato District Council on the Proposed Waikato District Plan.
- 3 Do not hesitate to contact us if you have any queries.

Yours faithfully
Meredith Connell



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**In the Environment Court
At Auckland**

**I Te Kōti Taiao
Tāmaki Makaurau Rohe**

ENV-2022-AKL-

In the matter of the Proposed Waikato District Plan

And

In the matter of an appeal pursuant to clause 14 of the First Schedule to the Resource Management Act 1991

Between **Tuakau Proteins Limited**
Appellant

And **Waikato District Council**
Respondent

Notice of Appeal to Environment Court against Decision on Proposed Plan

28 February 2022

**MEREDITH
CONNELL**

Solicitors:

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Notice of Appeal to Environment Court against Decision on Proposed Plan

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

To the Registrar
Environment Court
Auckland

1 Tuakau Proteins Ltd (TPL), appeals against part of a decision of Waikato District Council on the Proposed Waikato District Plan (PWDP).

2 TPL made a submission on the PWDP.

3 TPL is not a trade competitor for the purposes of section 308D of the Act.

4 TPL received notice of the decision on 17 January 2022.

5 The decision was made by Waikato District Council.

6 The part of the decision that TPL is appealing against is:

(a) The decision not to retain the industrial zoning of the TPL site including 22, 24 and 26 Lapwood Road, Tuakau as notified.

7 The reasons for the appeal are as follows:

(a) TPL has used its site for an industrial activity for many decades;

(b) TPL's site is suitably serviced for industrial usage;

(c) The existing industrial activities nearby on River Road have been provided with industrial zoning. Like TPL their sites are adjacent to rural zoned land, but they are also considerably closer to residential zoned land;

(d) Similarly, a large area around Whangarata Road, Bollard Road and Saleyard Road has been provided with industrial zoning despite being considerably closer to, and in some cases adjacent to, residential zoned land;

(e) The decision does not have sufficient regard to the efficient use of natural and physical resources at TPL's site; and

(f) The decision does not accord with the purpose of the Resource Management Act 1991.

8 TPL seeks the following relief:

(a) Reinstate the industrial zoning of the TPL site including 22, 24 and 26 Lapwood Road, Tuakau as notified.

- 9 TPL attaches the following documents to this notice:
- (a) a copy of its submission;
 - (b) a copy of its further submissions;
 - (c) a copy of the relevant part of the decision;
 - (d) a list of names and addresses of persons to be served with a copy of this notice.

Date: 28 February 2022



.....
B Watts
Counsel for the Appellant

Address for Service of appellant: Meredith Connell, Level 7 MC Centre 8 Hardinge Street / PO Box 90750 Victoria Street West, Auckland 1010

Telephone: (09) 336 7500

Fax / email: brandon.watts@mc.co.nz

Contact person: Brandon Watts, Senior Associate

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.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Appendix A - copy of TPL's submission

Appendix B – copy of TPL’s further submissions

Appendix C - copy of the relevant part of Waikato District Council's decision

Appendix D - names and addresses of persons to be served with a copy of this notice

1	Waikato District Council	Private Bag 544 Ngaruawahia 3742
2	Joon Young Moon	50 Geraghtys Road Tuakau 2121
3	Litania Liava'a	PO Box 22214 Otahuhu Auckland 1640
4	Louise Whyte	PO Box 22214 Otahuhu Auckland 1640
5	Sarah Whyte	PO Box 22214 Otahuhu Auckland 1640
6	Simon Dromgool	14A Tupelo Place Ohauti Tauranga 3112
7	Graham Halsey	24 Whangarata Road Tuakau 2121