

Form 33

Notice of person's wish to be party to proceedings

Section 274, Resource Management Act 1991

To the Registrar
Environment Court
Auckland

Lakeside Developments Limited (LDL) wishes to be a party to the following proceedings:

- *ENV-2022-AKL-000073*
- *Appeal under clause 14 of the first schedule of the Act with respect to decisions on the proposed Waikato District Plan*
- *Between the Waikato Regional Council (Appellant) and the Waikato District Council (Respondent)*

LDL made a submission about the subject matter of the proceedings.

LDL is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

LDL is interested in the part of the proceedings relating to Significant Natural Areas (SNAs).

LDL is interested in the following particular issue:

- Amendment of the definition of ‘Significant Natural Area’ to include *both* areas mapped as SNA in the Proposed DP, *and* areas that meet one or more of the criteria in Appendix 2 of the Proposed DP, as assessed by a suitably qualified ecologist.

LDL opposes the relief sought because—

- The appellant seeks to amend the definition of SNA as follows:
“Means an area identified as a Significant Natural Area on the planning maps or those areas that meet one or more of the criteria set out in APP2 of the Plan, as assessed by a suitably qualified ecologist”
- LDL considers that the above amendment creates the following significant issues:
 - a) **Lack of transparency** – To be effective and efficient, planning provisions need to be clear as to when and where they apply. The accurate identification and mapping of all SNAs achieves this clarity as all parties (being Council, landowners, and any interested parties) can see where SNAs are located. The proposed amendment to the definition of SNAs removes that clarity as it does not require SNAs to be shown on the planning maps. Rather, it allows SNAs to

be identified alternatively through an ecology assessment. LDL considers that this lack of transparency effectively expands the potential of SNAs to apply to almost the whole district instead of being limited to the 698 sites identified on the planning maps as notified in the Proposed DP.

- b) **Greater uncertainty** – When looking to develop their property, landowners such as LDL obviously consider and rely on SNAs and other planning provisions. Introducing an SNA overlay in the manner proposed by the above amendment would lead to considerable uncertainty and has the potential to significantly delay or change development that was planned and was reliant on the provisions of the district plan. LDL therefore opposes this amendment to the definition of SNA and seeks that the definition be limited solely to those areas identified as an SNA on the district plan maps to avoid undesirable uncertainty, unnecessary consent costs and undermining the integrity of the Proposed DP.
- c) **Precludes the normal planning process** – The normal process for including provisions (such as SNAs) in a district plan would require a plan change or plan review. As part of developing the plan change or plan review, there would be opportunities for all parties to identify SNAs and debate the merits of particular blocks of land. This is how SNAs should be proposed and determined.

Consequences for the Lakeside Precinct

- The Lakeside Precinct has been through a full plan change and rezoning process. A masterplan including key areas for residential, accommodation, commercial, recreational, and open spaces have been carefully considered as part of this process which was subsequently approved by independent commissioners.
- As part of this process, there was substantial technical and expert input and assessment including review and assessment of areas of ecological significance. At the time it was not considered that any vegetation located across land forming Lakeside Development met the threshold for an SNA.
- It would be inappropriate and unreasonable if, as a result of this amendment, the amended definition could result in potential for SNAs to subsequently be identified in the Lakeside Development land.
- To have a provision of this nature introduces risk and uncertainty into master planning the development of Lakeside because it means LDL cannot plan with confidence that additional, currently unidentified, SNAs might be determined.

LDL agrees to participate in mediation or other alternative dispute resolution of the proceedings.



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On behalf of Lakeside Developments Limited

Dated 11 March 2022

Address for service of person wishing to be a party:

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