

BEFORE AN INDEPENDENT HEARINGS PANEL

THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)

IN THE MATTER OF the Resource Management Act 1991 (**RMA**)

IN THE MATTER OF hearing submissions and further submissions on
Variation 3

**MEMORANDUM OF COUNSEL
ON BEHALF OF HAVELOCK VILLAGE LIMITED:
FURTHER INFORMATION ON PDP APPEAL PARTIES AND VARIATION 3
SUBMITTERS FOR HAVELOCK**

4 December 2023

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MAY IT PLEASE THE COMMISSIONERS

1. This memorandum is filed on behalf of Havelock Village Limited (**HVL**).
2. The purpose of the memorandum is to provide the Panel with further information on the cross over between the appellant and s274 parties to the recent PDP consent order agreement for the Havelock Precinct and the submitters on the Variation 3 parties who have indicated a specific interest in the Havelock site.¹
3. Table 1 below demonstrates the high degree of alignment between the parties involved in both the PDP appeal process and Variation 3 as it relates to the Havelock site. As a result, HVL submits that no prejudice will arise to interested submitters because of the introduction of the joint witness statement for Havelock at this time.
4. The PDP consent memorandum and consent order was prepared on the understanding that, if approved, the new general residential zoned land would qualify for consideration under this Variation 3 process but subject to the agreed PDP controls and this was explicitly recorded by the parties.

| Hynds Pipe Systems Ltd and Hynds Foundation appeal and/or Havelock Village Ltd appeal (Pokeno south – Havelock Precinct/Rezoning) | Variation 3 submitters and further submitters with specific interest in Havelock Precinct |
|---|--|
| Hynds Pipe Systems Limited & Hynds Foundation (Appellants) | ✓ |
| Section 274 parties | |
| Ngāti Te Ata | |
| Ngāti Tamaoho | |
| Pokeno Community Committee | |
| Pokeno Village Holdings Limited | ✓ |

¹ *Havelock Village Limited v Waikato District Council* (ENV-2022-AKL-000072) and *Hynds Pipe Systems Limited and Hynds Foundation v Waikato District Council* (ENV-2022-AKL-000087).

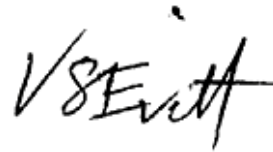
| Hynds Pipe Systems Ltd and Hynds Foundation appeal and/or Havelock Village Ltd appeal (Pokeno south – Havelock Precinct/Rezoning) | Variation 3 submitters and further submitters with specific interest in Havelock Precinct |
|---|--|
| Craig Hall | |
| Synlait Milk Limited | ✓ |
| Steven and Teresa Hopkins | |
| Yashili New Zealand Dairy Co. Limited | |
| CSL Trust | |
| Kainga Ora Homes and Communities | |
| Charles Gareth Harris | |
| Sir William Birch | |
| | Anna Noakes and the Fruhling Trust |

5. Ms Noakes and the Fruhling Trust are the only submitter to Variation 3 with a specific interest in Havelock, who are not a party to the recent Precinct-wide settlement on the PDP appeals. Under the PDP appeal process, the Environment Court has allocated Ms Noakes stormwater appeal points to a general PDP stormwater topic as opposed to site-specific topics such as the Havelock Precinct. This general stormwater topic remains on going. Ms Noakes does not have scope under the PDP appeals in relation to any Havelock specific matters which the Court has confirmed.
6. In any event, Ms Noakes was involved in Hearing #2 on Variation 3, and she had the opportunity to present expert evidence and legal submissions on the substantive issues underpinning her submissions regarding Variation 3. Her interest in Havelock (and Variation 3 generally) are well known to the Panel and focuses on potential effects on her land from low-flow stormwater discharges, which could result

from additional development opportunities such as Havelock. Both Mr Tollemache and Mr Pitkethley attended expert conferencing on these issues and provided an evidential response to Ms Noakes concerns for the purposes of Hearing #2, including proposed wording for targeted additional stormwater controls.

7. In our submission, the substantive matters raised by Ms Noakes and evidential responses provided for Hearing #2, have not changed due to the proposed rezoning of additional residential zoned land in the Havelock Precinct above RL100.

DATED: 4 December 2023



V S Evitt / M G Gribben
Counsel for Havelock Village Limited