

BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY

ENV-2023-AKL-0166

I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKAURAU ROHE

IN THE MATTER of the Resource management Act 1991 (the Act)

AND

IN THE MATTER of an appeal under clause 14 of Schedule 1 of the Act
against the decision of the Waipa District Council on
Proposed Plan Change 17 to the Waipa District Plan

BETWEEN FONTERRA LIMITED

Appellant

AND WAIPA DISTRICT COUNCIL

Respondent

**NOTICE BY DEAN HAWTHORNE AND THE HAUTAPU LANDOWNERS' GROUP
TO BECOME A PARTY TO PROCEEDINGS UNDER SECTION 274 OF THE ACT**

Dated: 11th of October 2023

Marianne
Mackintosh

BARRISTER

021 332 572
marianne@mackintosh.co.nz
www.mackintosh.co.nz

PO Box 6
Raglan 3265
New Zealand

TO: The Registrar
Environment Court
Auckland

1. **DEAN HAWTHORNE AND THE HAUTAPU LANDOWNERS' GROUP** (the group of landowners within "Area 7" of Plan Change 17), gives notice under section 274 of the Resource Management Act 1991 ("the Act") that it wishes to be a party to these proceeding, being *Fonterra Limited v Waipa District Council* [ENV-2023-AKL-00166] ("the Appeal").
2. The Appeal challenges the decision by the Respondent on Proposed Plan Change 17 ("PC17") to the Waipa District Plan.
3. Dean Hawthorne is a member of the Hautapu Landowners' Group ("HLG"). The HLG made a submission on PC17 about the subject matter of the proceedings. The HLG also has an interest in the proceedings that is greater than the interest that the general public has.
4. Dean Hawthorne/the HLG is not a trade competitor for the purposes of sections 308C or 308CA of the Act.
5. Dean Hawthorne/the HLG is interested in the Appeal in its entirety.
6. Dean Hawthorne/the HLG's position on the Appeal and the reasons for that position are set out below.

Dairy Overlay

7. The Appellant seeks relief that the "Dairy Overlay" be extended to "Area 6". This is despite the Appellant's evidence at the Waipa District Council hearing that alternative relief to the application of the Dairy Overlay would be acceptable. Relevantly, the decision of the Waipa District Council allowed that alternative relief.

8. Area 7 was given “deferred Industrial Zone” status in the decision by Waipa District Council. A further plan change is required for this deferred Industrial Zoning to become a “live” Industrial Zone.
9. Area 7 is immediately adjacent to Area 6. As such, it is anticipated that the application of the Dairy Overlay will be an issue for the purpose of elevating the deferred Industrial Zone to Industrial Zone in relation to Area 7.
10. Dean Hawthorne and the HLG oppose the relief sought by Fonterra Limited because the Waipa District Council granted the alternative relief sought by the Appellant. To revert to the original relief sought that a “Dairy Overlay” be applied is contrary to the position taken in its evidence and creates uncertainty for a future plan change to “live zone” Area 7 as Industrial Zone.
11. Dean Hawthorne and the HLG agree to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 11th day of October 2023



M Mackintosh
Counsel for Dean Hawthorne and the Hautapu Landowners Group