

**IN THE ENVIRONMENT COURT OF NEW ZEALAND  
AUCKLAND REGISTRY**

**ENV-2023-AKL-000166**

**I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU**

**IN THE MATTER OF**

the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER OF**

an appeal under clause 14(1) of Schedule 1  
of the RMA

**BETWEEN**

**FONTERRA LIMITED**

Appellant

**AND**

**WAIPĀ DISTRICT COUNCIL**

Respondent

---

**NOTICE OF HAYDEN BURKE WISH TO BE PARTY TO PROCEEDINGS**

**Dated 10 October 2023**

---

## NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

*Section 274, Resource Management Act 1991*

**To:** The Registrar  
Environment Court  
Auckland

### **Name of Person who wishes to be Party and standing**

1. Hayden Burke wishes to be a party to the following proceeding: ENV-2023-AKL-000166, filed by Fonterra Limited (**Appellant**) against parts of the decision (**Decision**) of Waipā District Council (**Respondent**) in respect of changes to the Waipā District Plan (**ODP**) under Proposed Plan Change 17: Hautapu Industrial Zones to the Waipā District Plan (**PC17**).
2. Hayden Burke made a submission on PC 17.
3. Hayden Burke is also a party which has an interest in the proceeding greater than the interest that the general public has because he is a business owner of a company operating Industrial activities in the Carters Flat which seeks to migrate to 'Area 6' and stands to be directly affected by the relief sought under the appeal.

### **Trade competition**

4. Hayden Burke is not a trade competitor for the purposes of sections 308C or 308CA of the Resource Management Act 1991 (**RMA**).

### **Hayden Burke's interest**

5. Hayden Burke is interested in all aspects of the appeal including the reasons for the appeal and all relief sought under the appeal. Hayden Burke says:

- a. The Decision took full consideration of potential reverse sensitivity effects on the Appellants operations arising from land uses enabled within Area 6 under PC17;
- b. No relevant reverse sensitivity effects on the Appellant's operations arise from the land uses enabled within Area 6 under PC17;
- c. All potential adverse effects of the land uses enabled within Area 6 under PC17 on the Appellant are appropriately managed, including via Rule 7.4.1.3(f) of the ODP;
- d. The relevant existing environment, including within the Dairy Overlay, contains land uses which are not 'dairy related' and are similar in nature to the activities we operate in Carters Flat;

#### **Relief sought**

Hayden Burke opposes the relief sought by the Appellant because:

- a. The imposition of the Specialised Dairy Industrial Area Overlay (**Dairy Overlay**) over Area 6 will limit industrial land use within Area 6 to an extent that it will undermine the efficient supply of industrial zoned land and directly undermine the central policy reasoning behind PC17 which was to enable the 'migration' of industrial activities from Carters Flat to Hautapu;
- b. The imposition of the Dairy Overlay is not necessary to protect the Appellant's operations from the effects of land uses enabled within Area 6 under PC17 and will unnecessarily sterilise the intended land use opportunities within Area 6;
- c. Is not the most effective way to achieve the objectives in the ODP
- d. Will not achieve the purpose of the Resource Management Act

#### **Dispute resolution**

6. Hayden Burke agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**Costs**

7. Hayden Burke seeks costs from the Appellant in relation to this appeal.



Hayden Burke

Dated 10<sup>th</sup> October 2023

**Address for service:**

hayden@steelfab.co.nz

**Advice**

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