

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

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NOTICE OF KEVIN MIDDLEMISS'S WISH TO BE PARTY TO PROCEEDINGS

Dated 9 October 2023

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## 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. *Kevin Middlemiss* 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. *Kevin Middlemiss* made a submission on PC 17.
3. *Kevin Middlemiss* is also a party which has an interest in the proceeding greater than the interest that the public has because made a submission in support of the rezoning of 'Area 6' and is in discussions regarding potentially relocating their business from Carters Flat to 'Area 6' which is the subject of the proceeding and stands to be directly affected by the relief sought under the appeal.

### **Trade competition**

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

### **Our interest**

- 5 *Kevin Middlemiss* is interested in all aspects of the appeal including the reasons for the appeal and all relief sought under the appeal. We say:

- a. *This limits our ability to continue negotiations with landowners within 'Area 6' to move our business to their site.*

**Relief sought.**

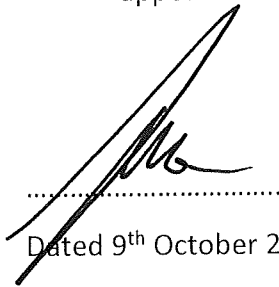
- 6 *Kevin Middlemiss* opposes the relief sought by the Appellant because:
  - a. *It unnecessarily limits the use of the land and will eliminate competition as well as push up prices for other sites.*
  - b. Is not the most effective way to achieve the objectives in the ODP
  - c. Will not achieve the purpose of the Resource Management Act

**Dispute resolution**

- 7 *Kevin Middlemiss* agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**Costs**

- 8 *Kevin Middlemiss* seeks costs from the Appellant in relation to this appeal.



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Dated 9<sup>th</sup> October 2023

**Address for service:**

**57 Albert St, Cambridge 3434**

**Advice**

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