

IN THE ENVIRONMENT COURT  
AT AUCKLAND

I TE KŌTI TAIAO O AOTEAROA  
KI TĀMAKI MAKĀURAU

IN THE MATTER OF

The Resource Management Act 1991 (“the Act”)

AND

IN THE MATTER OF

An appeal under clause 14 of the First Schedule of the  
Act with respect to decisions on the Proposed Waikato  
District Plan

BETWEEN

**Tuakau Proteins Limited**  
Appellant

AND

**Waikato District Council**  
Respondent

AND

**Environment Action Tuakau Incorporated**  
Section 274 Party

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NOTICE OF INTENTION TO BECOME A PARTY TO PROCEEDINGS  
BY ENVIRONMENT ACTION TUAKAU INCORPORATED

DATED 21<sup>st</sup> March 2022

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**Julian  
Dawson**  
BARRISTER

e [julian@rmalawyer.co.nz](mailto:julian@rmalawyer.co.nz)

m 0274 200 223

post PO Box 531,  
Whangarei 0140

**Auckland Office:**  
28 Customs Street East,  
Britomart, Auckland  
**Northland Office:**  
Suite 6, 27 Rust Avenue  
Whangarei 0110

**TO:** The Registrar  
Environment Court  
Auckland

1. Environment Action Tuakau Incorporated (“EAT”) wishes to become a party to the following proceedings:

*Tuakau Proteins Limited v Waikato District Council* (ENV-2022-AKL-56)

2. This is an appeal against decisions of the Waikato District Council regarding the Proposed Waikato District Plan. The appeal concerns the zoning of land at 22,24 and 26 Lapwood Road where Tuakau Proteins Limited operated a rendering plant;
3. Appeals to the Proposed Waikato District Plan closed on or after 1 March 2022.
4. EAT made a submission about the proposed rezoning and the subject matter of the appeal.
5. EAT also has an interest in the proceedings that is greater than the interest that the general public has for the following reasons:
  - 5.1 The property abuts the Waikato River, neighbours several houses, and is near the township of Tuakau;
  - 5.2 There is a long history of offensive odour and noise being discharged from the property. This has resulted in compliance and enforcement action being taken by the Waikato District Council and the Waikato Regional Councils;
  - 5.3 EAT was formed in early 2020 in response to serious and sustained community objection to the adverse environmental effects being generated by the rendering plant. Its members include local residents, immediate neighbours, business owners and families from the community.
  - 5.4 EAT has participated in the consenting and district plan processes open to it regarding the site. In February 2021 it led expert and non-expert evidence, and legal submissions in opposition to TPL’s application for renewed air-discharge consents.
  - 5.5 EAT participated as a submitter, in the Proposed District Plan process.
6. EAT is not a trade competitor for the purposes of section 308D of the Act.

7. EAT is interested in all of the Appeal and the Industrial zoning being sought by Tuakau Proteins Limited.
8. EAT opposes the relief being sought.
9. EAT agrees to participate in mediation or other alternative dispute resolution of the proceedings.
10. I attach the following documents to this notice:
  - (a) A copy of EAT's submission to the Proposed Waikato District Plan.

Dated: 21<sup>st</sup> March 2022

A handwritten signature in blue ink, appearing to read 'J.C. Dawson'.

J.C Dawson – Counsel for Environment Action Tuakau Incorporated

**Address for service of appellant:**

Mr Julian Dawson - Barrister

**Telephone:** (0274)200 - 223

**Email:** julian@rmaalawyer.co.nz

**Post:** PO Box 531, Whangarei 0140

**ATTACHMENT ONE**

**A Copy of EAT's Submission to the Proposed District Plan**

## SUBMISSION FORM

**To** WAIKATO DISTRICT COUNCIL

1. Name of submitter: **ENVIRONMENT ACTION TUAKAU INCORPORATED**
  
2. This is a submission on the **WAIKATO DISTRICT COUNCIL PROPOSED DISTRICT PLAN 2018**
  
3. We could **NOT** gain an advantage in trade competition through this submission.
  
4. The specific provisions of the Proposed District Plan that my submission relates to are:
  - (a) The proposed zoning of the Tuakau Proteins Limited ("**TPL**") site, Lapwood Road, Tuakau to Industrial.
  
5. Our submission **OPPOSES** the proposed Industrial Zone over this property.
  
6. The **reasons** for our submission are:
  - 6.1 TPL has operated on this site since the 1960's, at which time some of the existing residences were there.
  - 6.2 There has been a long history of non-compliance and complaint deriving from the adverse effects of odour, noise and traffic safety caused by operation of the plant.

- 6.3 Reverse sensitivity and the failure to adequately internalise significant, and adverse effects being caused to the immediate neighbours, and community at large are serious concerns, which need to be recognised in the Proposed District Plan.
- 6.4 The proposed Industrial Zone does not provide protection to the neighbours and community from the potentially significant adverse effects being created by TPL.
- 6.5 The recent damage to, or destruction of the TPL facility means that the zoning must be determined afresh, with consideration of the appropriate activities and effects within the current environmental context. It cannot be assumed that the plant, in its previously existing form, would be reinstated.
7. **We seek the following decision from the local authority:**
- (a) That the Industrial Zone be rejected, and the existing Business Zone remain; and
  - (b) Such other consequential relief as may be necessary to recognise these concerns.
8. We **do wish** to be heard in support of our submission.

A handwritten signature in blue ink, appearing to read 'J. Dawson', with a stylized flourish underneath.

Signed by Julian Dawson – Barrister, for and on behalf of Environment Action Tuakau Incorporated

Dated 24<sup>th</sup> March 2021

The address for service of the submitter is:

c/ Mr Julian Dawson – Barrister

21 Norfolk Street, Regent, Whangarei 0140

**Post:** PO Box 531, Whangarei 0140

**Phone:** (0274) 200 223

**Email:** [julian@rmlawyer.co.nz](mailto:julian@rmlawyer.co.nz)