

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY
I MUA I TE KŌTI TAIAO
TAMAKI MAKAURAU ROHE**

ENV-2022-AKL-000042

UNDER The Resource Management Act 1991
(the Act)

IN THE MATTER of an appeal under clause 14(1) of
Schedule 1 to the Act in relation to the Proposed
Waikato District Plan

BETWEEN **Fonterra Cooperative Group Limited**

Appellant

AND **Waikato District Council**

Respondent

NOTICE OF

**PERRY GROUP LIMITED'S WISH TO BE A PARTY TO PROCEEDINGS
UNDER SECTION 274 OF THE RESOURCE MANAGEMENT ACT 1991**

Dated 22 March 2022

<p>Solicitors McCaw Lewis Level 6, 586 Victoria St PO Box 9348 Hamilton 3240 DX GP 20020 p: +64 7 958 7465</p>	<p>Counsel Acting: Kate Barry-Piceno Barrister Chambers: Level 1/ 9 Prince Ave, Mt Maunganui 3116 Mailing address: 5A Wells Ave, Mt. Maunganui 3116 M: +64 21 605 832 E: kate@kbplawyer.co.nz</p>
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**To: The Registrar
Environment Court Auckland**

1. Perry Group Limited (**'Perry Group'**) wishes to be a party to the appeal proceedings ENV-2022-AKL-000042 (**'Appeal'**) between Fonterra Cooperative Group Limited (**'Appellant'**) and Waikato District Council (**'Respondent'**) in relation to the Respondent's decisions on the Proposed Plan (**'Proposed Plan'**).
2. Perry Group made submissions on reverse sensitivity and noise provisions, (Submitter 464 and further submitter 1313) and was made aware of the appeal on or about 01 March 2022 via the Respondents website.
3. Perry Group is not a trade competitor for the purposes of section 308(2) or clauses 6(4) and 29(1B) of Schedule 1 of the Act.
4. Perry Group is interested in the appeal proceedings as they relate to reverse sensitivity matters. Perry Group opposes the appeal and supports the District Council's provisions as they relate to reverse sensitivity. In particular, Perry Group oppose the introduction of a further definition as sought in the appeal and support the Council's decision to not include rules associated with the Fonterra noise control boundary which applies to the Te Rapa dairy manufacturing facility. Perry Group also oppose the further changes sought to objectives and policies relating to the Te Rapa dairy manufacturing facility.
5. Perry Group consider that the Council's decision on reverse sensitivity and the Te Rapa manufacturing noise control boundary provisions are appropriate.
6. Perry Group agrees to participate in mediation or other alternative dispute resolution of the Appeal.



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Signed by Kate Barry-Piceno
Legal Counsel on behalf of Perry Group Ltd

Address for service person wishing to be a party:

Perry Group Limited
c/- Kate Barry-Piceno
Barrister
Mauao Legal Chambers 1/9 Prince Ave Mt. Maunganui 3150
Mailing address: 5A Wells Ave, Mt. Maunganui 3116
M: +64 21 605 832 |
E: kate@kbplawyer.co.nz |

NOTE TO PERSON WISHING TO BE A PARTY

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after—

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

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