

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

I MUA I TE KOOTI TAIAO O AOTEAROA

ENV-2022-AKL-000042

IN THE MATTER of the Resource
Management Act 1991
(the **Act**)

AND

IN THE MATTER of an appeal under
clause 14(1) of the First
Schedule of the Act

BETWEEN **FONTERRA
CO-OPERATIVE
GROUP LIMITED**

Appellant

AND **WAIKATO DISTRICT
COUNCIL**

Respondent

**NOTICE OF HYNDS PIPE SYSTEMS LIMITED AND THE HYNDS FOUNDATION
WISH TO BE PARTY TO AN APPEAL**

22 March 2022

 **Simpson Grierson**
Barristers & Solicitors

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To: The Registrar
Environment Court
Auckland

1. Hynds Pipe Systems Limited and the Hynds Foundation (together, **Hynds**) wish to be a party to Fonterra Co-Operative Group Limited (**Fonterra**)'s appeal (**Appeal**) in respect of the Waikato District Council (**Council**)'s decisions on the Proposed Waikato District Plan (**PWDP**). The Appeal has the Environment Court reference number ENV-2022-AKL-000042.
2. Hynds made submissions about the subject matter of the proceedings. In particular:
 - (a) Hynds Pipe Systems Limited made a submission¹ on the PWDP; and
 - (b) Hynds Pipe Systems Limited² and the Hynds Foundation³ made further submissions on the PWDP, including in relation to reverse sensitivity issues.
3. Hynds is not a trade competitor for the purposes of sections 308C or 308D of the Act.
4. Hynds is interested in the parts of the Appeal that relate to reverse sensitivity issues.
5. Hynds is interested in the following particular issues raised by the Appeal:
 - (a) the relief sought in respect of Policy GRUZ-P13; and
 - (b) the insertion into the PWDP of a definition of "Reverse Sensitivity".
6. Hynds supports the intent of the relief sought in respect of reverse sensitivity effects because:
 - (a) Hynds operates a regionally significant precast concrete manufacturing and distribution plant within the strategic industrial node at 9 McDonald Road, Pokeno (**Hynds Factory Site**).

1 Submission number 981.

2 Further submission number 1341.

3 Further submission number 1306.

- (b) Hynds' primary interest in the PWDP is ensuring that its operations are protected from reverse sensitivity effects. Hynds wants to ensure that its ability to carry on its business, or expand its operations (including obtaining the necessary resource consents) is not limited by the constraints that would necessarily arise as a result of sensitive land uses (including residential activities) establishing in proximity to the Hynds Factory Site.
- (c) While Hynds supports the intent of the amendments to the PWDP sought in the Appeal, it considers that further amendments may be required to appropriately address reverse sensitivity effects on heavy industrial operations such as its own.
- (d) Hynds' own appeal against the PWDP⁴ also seeks amendments to Policy GRUZ-P13, as well as other provisions relating to reverse sensitivity effects.

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

DATED at Auckland this 22nd day of March 2022



Bill Loutit / Sarah Mitchell
Counsel for Hynds Pipe Systems
Limited and the Hynds Foundation

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⁴ ENV-2022-AKL-000087