

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2022-AKL-000055

IN THE MATTER of appeals under Clause 14(1) of
Schedule 1 of the Act in relation to the
Proposed Waikato District Plan.

AND

IN THE MATTER of a Proposed District Plan

BETWEEN **MIDDLEMISS FARM HOLDINGS
LIMITED**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

**To: The Registrar
Environment Court – Auckland**

**SECTION 274 NOTICE FROM THE BUCKLAND GROUP AND ORS
ON THE APPEAL BY
MIDDLEMISS FARM HOLDINGS LIMITED**

22 March 2022

Counsel Instructed

Peter Fuller
Quay Chambers
2 Commerce Street
P O Box 106215
Auckland City 1143
peter.fuller@quaychambers.co.nz
021 635 682

TO The Registrar
Environment Court
Auckland

NOTICE

1. The Buckland Country Living Landowners Group and Other Parties (**Buckland Group**), wish to be parties pursuant to s 274 of the Resource Management Act 1991 (**Act**) to the following proceedings:

Middlemiss Farm Holdings Limited v Waikato District Council: ENV-2022-AKL-000055

Master Topic: Proposed Waikato District Plan.

2. The Buckland Group made submissions (#682) on the Proposed Plan and have filed an appeal (ENV-2022-AKL-000049).
3. The Buckland Group have an interest in the proceedings that is greater than the interest that the general public has because of the relief that it sought in its original submission and collective interest in multiple parcels of land affected by the relief.
4. The Buckland Group are not trade competitors for the purposes of section 308C or 308CA of the Act.
5. The Buckland Group are interested in the whole of the proceeding and all of the issues arising from the proceeding.
6. The Buckland Group generally supports the relief being sought to amend the rural subdivision and development planning provisions for reasons including;
 - a) Those specified in the Appeal.
 - b) The reasons specified in the Buckland Group Appeal that is seeking some of the same relief as the appeal.
 - c) The relief will give effect to the National Policy Statement – Freshwater Management 2020 and the Waikato Regional Council – Regional Policy Statement.

- d) The relief will give effect to 6.17.3 of the Waikato Regional Policy Statement which indicates transferable development rights can be used as a mechanism to direct development to rural residential areas.
 - e) Transferring development rights from the rural environment to rural residential areas is also consistent with objectives and policies of the Rural zone which seek to maintain rural character and amenity, enable farming and protect high class soils.
 - f) The relief is seeking provisions similar to the generally successful legacy planning provisions in Franklin, Manukau and Rodney, and to the now operative rural provisions in the Auckland Unitary Plan, that have been scrutinized by the Courts.
 - g) The relief will create employment and economic opportunities, while supporting primary production, through the restoration and enhancement of ecosystem services and the provision of rural housing in appropriate locations (s32).
 - h) The relief is necessary to avoid, remedy and mitigate the adverse effects of historical land clearance, and the degradation of ecosystems and water quality (s6(c), s7(a), (aa), (c), (d), & (f)).
 - i) The relief will more efficiently use rural land resources including the protection of high class soils, and for lots to be able to be transferred into the Buckland area that is already compromised for primary production (s7(b)).
 - j) The relief will help to respond to the effects of climate change (s7(i)).
 - k) The relief, including incentivising environmental protection, restoration and enhancement, will promote the sustainable management of natural and physical resources in rural areas (Part 2).
7. The Buckland Group agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 22nd day of March 2022



Peter Fuller
Counsel for The Buckland Group

Address for service:

Peter Fuller
LLB, MPlan, DipEnvMgt, BHortSc
Barrister
P O Box 106215
Auckland City 1143
Phone: 09 374 1651
021 635 682
Email: peter.fuller@quaychambers.co.nz

LIST OF PARTIES TO BE SERVED WITH THIS NOTICE

Respondent – Waikato District Council

District Plan Hearings Administrator
Waikato District Council
Private Bag 544
Ngaruawahia 3742
Email: Districtplan@waidc.govt.nz

Middlemiss Farm Holdings Limited

C/- Peter Fuller
Barrister
Quay Chambers
Email: peter.fuller@quaychambers.co.nz

Submitters Listed in the Appeal