

**IN THE ENVIRONMENT COURT
AUCKLAND**

ENV-2022-AKL-000055

**I MUA I TE KOOTI TAIAO O AOTEAROA
I TAMAKI MAKAUROA ROHE**

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

AND

IN THE MATTER of section 274 of the RMA

BETWEEN **MIDDLEMISS FARM HOLDINGS LIMITED**

Applicant

AND

WAIKATO DISTRICT COUNCIL

Respondent

**NOTICE OF FONTERRA CO-OPERATIVE GROUP LIMITED'S
INTENTION TO BE A PARTY TO PROCEEDINGS**

22 MARCH 2022

**Russell
McLeagh**

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TO: The Registrar
Environment Court
AUCKLAND

Fonterra Co-Operative Group Limited ("Fonterra") wishes to be a party to an appeal by Middlemiss Farm Holdings Limited ("**Middlemiss**") against the decisions of the Waikato District Council on the Proposed Waikato District Plan ("**Proposed Plan**").

Nature of interest

1. Fonterra made a submission and further submission about the subject matter of these proceedings.
2. Fonterra is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

Extent of interest

3. Fonterra is interested in part of the proceedings. The parts of the proceedings that Fonterra is interested in are those parts relating to the proposed amendments to the subdivision provisions through the inclusion of a Transferable Rural Lot Subdivision rule and any consequential amendments to the Proposed Plan.

Amendments to the subdivision provisions

4. In their appeal, Middlemiss has proposed a number of amendments to the subdivision provisions of the Proposed Plan in order to endorse the protection of significant natural features. These amendments include the addition of a Transferable Rural Lot Subdivision rule in the Rural Zone, similar to that which is currently operative in the Auckland Unitary Plan. This addition includes consequential amendments to related provisions in the Proposed Plan (including lot size triggers) to support the inclusion of the rule.
5. Fonterra opposes the implementation of a framework that enables transferable development rights as proposed by Middlemiss to the extent that it enables higher density subdivision within either the proposed noise control boundary around the Te Rapa Dairy Factory or within the setback areas under *GRUZ-S13*, which includes the 500m setback from coal mining areas provided through the decisions version of the Proposed Plan.¹ The Proposed Plan does not contemplate intensification in those areas, and it would be inappropriate for that to be enabled to occur through an alternative means. Fonterra is interested in the outcomes of a proposed Transferable Rural Lot Subdivision rule to the extent that it is inconsistent with the Fonterra appeal in terms of location of future subdivision.

Relief sought

6. Fonterra opposes the relief sought by Middlemiss in relation to the parts of the decision on the Proposed Plan set out above.

¹ Fonterra is seeking through its appeal a setback around its Bruntwood Farm under rule GRUZ-S13.

7. Fonterra opposes the relief sought because it:
- (a) Will not promote the sustainable management of natural and physical resources within the Waikato District, and is therefore inconsistent with Part 2 and other provisions of the RMA;
 - (b) will not meet the reasonably foreseeable needs of future generations;
 - (c) will not enable the social, economic and cultural wellbeing of the people of Waikato;
 - (d) will not facilitate the efficient use and development of natural and physical resources;
 - (e) does not avoid, remedy or mitigate actual or potential adverse effects on the environment;
 - (f) is not the most appropriate way to achieve the objectives of the Proposed Plan in terms of section 32 of the RMA.

Alternative dispute resolution

8. Fonterra agrees to participate in mediation or other alternative dispute resolution of the proceedings.

FONTERRA CO-OPERATIVE GROUP LIMITED
by its solicitors and authorised agents Russell
McVeagh:



Signature: Daniel Minhinnick / Patrick Senior

Date: 22 March 2022

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To: the Registrar of the Environment Court at Auckland

And to: the Appellant

And to: the Respondent