

**IN THE ENVIRONMENT COURT  
AUCKLAND**

**ENV-2022-AKL-000086**

**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** **THE SURVEYING COMPANY LIMITED**

Applicant

**AND**

**WAIKATO DISTRICT COUNCIL**

Respondent

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

**22 MARCH 2022**

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**Russell  
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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 the Surveying Company Limited ("**SCL**") 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:
  - (a) the proposed amendments to the subdivision provisions through the inclusion of a Transferable Rural Lot Subdivision rule; and
  - (b) reductions in the minimum lot size in the General Rural Zone.

*Amendments to the subdivision provisions*

4. In their appeal, SCL has sought the inclusion of a Transferable Rural Lot Subdivision rule in the Rural Zone, along with consequential amendments to related provisions in the Proposed Plan (including objectives and policies) to support the inclusion of the rule.
5. Fonterra opposes the implementation of a framework that enables transferable development rights as proposed by SCL 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*.<sup>1</sup> 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.

*Reductions in minimum lot size in the General Rural Zone*

6. SCL is also seeking amendments to the minimum lot size in the General Rural Zone to reduce the minimum lot size from the 8,000m<sup>2</sup> limit which is currently set out under the Proposed Plan. SCL's appeal does not clarify the extent to which the minimum lot size ought to be reduced.

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

7. Inappropriate intensification in rural areas would be further exacerbated by the proposed reduction in the minimum lot size in the General Rural Zone, which would work to undermine development in the relevant areas in favour of residential intensification. Fonterra opposes this amendment, and seeks that the minimum lot size set out in the Proposed Plan be retained.

**Relief sought**

8. Fonterra opposes the relief sought by SCL in relation to the parts of the decision on the Proposed Plan set out above.
9. 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**

10. 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