

**IN THE ENVIRONMENT COURT
AUCKLAND**

ENV-2022-AKL-000064

**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 **JOHN ROWE**

Applicant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

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

22 MARCH 2022

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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 Mr John Rowe 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 amendment to GRUZ-S13 Building setbacks – sensitive land uses; and
 - (b) the proposed amendments to the subdivision provisions through the inclusion of a Transferable Rural Lot Subdivision and reductions in the minimum lot sizes in the General Rural and Rural Lifestyle Zones.

Amendment to GRUZ-S13 Building setbacks – sensitive land uses

4. In the decisions version of the Proposed Plan, GRUZ-S13 Building setbacks – Sensitive Land Uses requires sensitive land uses to be setback from an Aggregate Extraction Area or Extractive Resource Area. In their notice of appeal, Mr Rowe has sought that the measurement of the setback is taken from the "*edge of the area not the title boundary*".
5. This appeal point is of particular interest to Fonterra. In its submissions on the Proposed Plan, Fonterra sought that setbacks be included from wastewater irrigation farms and from coal mining areas. While the decisions version of the Proposed Plan includes a 500m setback from coal mining areas, the proposed setback from wastewater irrigations farms was omitted. Fonterra is seeking through its own appeal¹ that GRUZ-S13 require sensitive land uses be set back from the Bruntwood farm site, which is owned by Fonterra. Fonterra opposes the amendment proposed by Mr Rowe, and considers that the title boundary should be maintained as the point from which the measurement of the setback is taken. Measuring the setback from the title boundary provides accuracy and certainty in the application of the setback, and protects against the encroachment of sensitive land uses in areas that currently accommodate rural activities.

¹ *Fonterra Co-Operative Group Limited v Waikato District Council*, ENV-2022-000046, at [3.18(b)].

Amendments to the subdivision provisions

6. Mr Rowe is also seeking a number of changes to the subdivision provisions in the Proposed Plan, in particular Fonterra is interested in the following:
- (a) the inclusion of a Transferable Rural Lot Subdivision as a discretionary / restricted discretionary activity;
 - (b) reducing the minimum lot size in the Rural Zone from 8,000 m² to 2,000 m²; and
 - (c) reducing the minimum lot size for the Rural Lifestyle Zone from 5,000 m² to 2,000 m².
7. Fonterra opposes the implementation of a framework that enables transferable development rights as proposed by Mr Rowe 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*. The Proposed Plan does not contemplate intensification in those areas, and it would be inappropriate for that to be enabled to occur through an alternate means. Fonterra is interested in the outcomes of a proposed Transferable Rural Lot Subdivision rule to the extent they are inconsistent with the Fonterra appeal in terms of location of future subdivision.
8. Inappropriate intensification in rural areas would be further exacerbated by the proposed reductions in the minimum lot sizes in the Rural and Rural Lifestyle Zones, which would work to undermine development in the relevant areas in favour of residential intensification. Fonterra opposes these amendments, and seeks that the minimum lot sizes set out in the Proposed Plan be retained.

Relief sought

9. Fonterra opposes the relief sought by Mr Rowe in relation to the parts of the decision on the Proposed Plan set out above.
10. 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

11. 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