

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2022-AKL-000051

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 **FEDERATED FARMERS OF NEW
ZEALAND INC**

Appellant

AND **WAIKATO DISTRICT COUNCIL**

Respondent

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

**SECTION 274 NOTICE FROM THE MIDDLEMISS FARM HOLDINGS LIMITED
ON THE APPEAL BY
FEDERATED FARMERS OF NEW ZEALAND INC**

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. Middlemiss Farm Holdings Limited (**Middlemiss**), wishes to be a party pursuant to s 274 of the Resource Management Act 1991 (**Act**) to the following proceedings:

Federated Farmers of NZ Inc v Waikato District Council: ENV-2022-AKL-000051

Master Topic: Proposed Waikato District Plan.

2. Middlemiss made submissions (#794) and further submissions on the Proposed Plan and has filed an appeal (ENV-2022-AKL-000055).
3. Middlemiss is not a trade competitor for the purposes of section 308C or 308CA of the Act.
4. Middlemiss is interested in the following parts of the proceeding:
 - a) Significant Natural Areas (including ECO-P6, P11, & P12, Deleted Policy 3.2.8)
 - b) SUB-R50 Subdivision to create a reserve and incentive lot (includes provision for TDR)
 - c) Prohibited activities (SUB R40 and R41)
 - d) General Subdivision Rules (SUB R43)
 - e) Boundary Relocation Rules (SUB R46)
 - f) Reserve and Incentive lot (SUB-R50)
5. Middlemiss is interested in all of the issues arising from the parts of the appeal identified above.

6. Middlemiss generally supports the relief being sought, to the extent that it is consistent with its own relief, to amend the rural subdivision and development planning provisions for reasons including;
 - a) Those reasons specified in the Appeal.
 - b) The reasons specified in the Middlemiss Appeal that is seeking similar relief.
 - 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 the 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 and protect high class soils (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.
7. Middlemiss agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED this 22nd day of March 2022



Peter Fuller
Counsel for Middlemiss Farm Holdings Ltd

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

Federated Farmers

C/- Peter Matich
Senior Policy Advisor
Email: pmatich@fedfarm.org.nz

Submitters Listed in the Appeal