

**BEFORE THE ENVIRONMENT COURT  
AUCKLAND REGISTRY**

**ENV-2022-AKL-000064**

**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** **JOHN ROWE**

Appellant

**AND** **WAIKATO DISTRICT COUNCIL**

Respondent

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

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**SECTION 274 NOTICE FROM MIDDLEMISS FARM HOLDINGS LIMITED  
ON THE APPEAL BY  
JOHN ROWE**

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*22 March 2022*

**Counsel Instructed**

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**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:

**John Rowe v Waikato District Council: ENV-2022-AKL-000064**

Master Topic: Proposed Waikato District Plan.

2. Middlemiss made submissions (#794) and further submissions on the Proposed Plan and have 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;
  - a) Transferrable Rural Lot (22.4.1.1 PR4(a)) ;
  - b) Rural Hamlet (22.4.1.5 NC1); and
  - c) Conservation Lot (22.4.16RD1(a));parts of the proceeding regarding the objectives, policies and rules (including subdivision) for rural areas, and all of the issues arising from those parts of the proceeding.
5. 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 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, as lots will be able to be transferred into areas which 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.
6. Middlemiss agrees to participate in mediation or other alternative dispute resolution of the proceedings.

**DATED** this 22<sup>nd</sup> day of March 2022



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**Peter Fuller**  
**Counsel for Middlemiss Farm Holdings Limited**

**Address for service:**

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**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

**John Rowe**

C/- Julian Dawson  
Barrister  
Email: julian@rmlawyer.co.nz

**Submitters Listed in the Appeal**