

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2020-AKL-000038

**I MUA I TE KOOTI TAIAO
I TĀMAKI MAKĀURAU ROHE**

IN THE MATTER

of the Resource Management Act 1991
("RMA")

AND

IN THE MATTER

of section 274 of the RMA

BETWEEN

AFFCO NEW ZEALAND LIMITED

Appellant

AND

HAMILTON CITY COUNCIL

Respondent

NOTICE OF FONTERRA LIMITED'S WISH TO BE PARTY TO PROCEEDINGS

20 MAY 2020

**Russell
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To: The Registrar
 The Environment Court
 AUCKLAND

FONTERRA LIMITED ("Fonterra") wishes to be a party to an appeal by AFFCO New Zealand Limited ("**AFFCO**") against the decision of the Hamilton City Council ("**Council**") to approve Proposed Plan Change 2 to the Hamilton City District Plan ("**PPC2**").

Nature of interest

1. Fonterra made a submission and further submission about the subject matter of AFFCO's appeal.
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 AFFCO's appeal in its entirety.
4. Fonterra submitted in opposition to PPC2 on the basis of potential adverse effects on the Te Rapa Dairy Factory. In particular, Fonterra was concerned to ensure that PPC2 did not result in reverse sensitivity effects on its manufacturing operations.
5. Through its submission and expert evidence, Fonterra raised concerns with the lack of recognition of, and provision for, the potential reverse sensitivity effects that would arise if over 1,000 dwellings were allowed to establish within an area that is surrounded by heavy industrial operations.
6. Fonterra has also appealed the Council's decision on PPC2 seeking the addition of further measures to address reverse sensitivity issues.

Relief sought

7. Fonterra supports the relief sought by AFFCO to the extent that any further amendments are made to PPC2 to ensure that reverse sensitivity effects are appropriately avoided or minimised.
8. Fonterra supports the addition of further measures to PPC2 to avoid or minimise the potential for reverse sensitivity effects on existing industrial activities, for the same reasons as those stated in Fonterra's notice of appeal.

Alternative dispute resolution

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

FONTERRA LIMITED by its solicitors and authorised agents Russell McVeagh:



Signature: D J Minhinnick / T W Atkins

Date: 20 May 2020

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TO: The Registrar of the Environment Court at Auckland.

AND TO: The Hamilton City Council

AND TO: The Appellant

Advice

1. If you have any questions about this notice, contact the Environment Court in Auckland.