

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2020-AKL-000043

**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

FONTERRA LIMITED

Appellant

AND

HAMILTON CITY COUNCIL

Respondent

**NOTICE OF PORTS OF AUCKLAND LIMITED'S WISH TO BE PARTY TO
PROCEEDINGS**

20 MAY 2020

**Russell
McAugh**

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To: The Registrar
The Environment Court
AUCKLAND

PORTS OF AUCKLAND LIMITED ("POAL") wishes to be a party to an appeal by Fonterra Limited ("**Fonterra**") 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. POAL made a submission and further submission about the subject matter of Fonterra's appeal.
2. POAL is not a trade competitor for the purposes of section 308C or 308CA of the RMA.

Extent of interest

3. POAL is interested in Fonterra's appeal in its entirety.
4. POAL submitted in opposition to PPC2 on the basis of potential adverse effects on POAL's Horotiu Inland Freight Hub ("**Inland Freight Hub**"). In particular, POAL's submission raised concerns with the lack of provision for reverse sensitivity effects in PPC2.
5. POAL was subsequently involved in discussions with Perry Group Limited ("**Perry**") in relation to the matters raised in its submission. POAL and Perry were able to reach agreement on a number of changes to PPC2 to address POAL's concerns relating to potential reverse sensitivity effects on the Inland Freight Hub.
6. POAL retains an interest in any potential amendments to the PPC2 provisions relating to the management of reverse sensitivity effects that may impact the Inland Freight Hub.

Relief sought

7. POAL supports the relief sought by Fonterra insofar as it will result in the addition of further protections for industrial activities in the Te Rapa North Area against reverse sensitivity effects to PPC2 because such measures:
- (a) will promote the sustainable management of the natural and physical resources within Hamilton City and the Waikato Region, and are therefore consistent with Part 2 and other provisions of the RMA;
 - (b) will meet the reasonably foreseeable needs of future generations;
 - (c) will enable the social, economic and cultural wellbeing of the people of Hamilton and the Waikato Region;
 - (d) avoid, remedy or mitigate actual or potential adverse effects on the environment;
 - (e) give effect to the Waikato Regional Policy Statement; and
 - (f) are the most appropriate way to achieve the objectives of the Hamilton City District Plan in terms of section 32 of the RMA.

Alternative dispute resolution

8. POAL agrees to participate in mediation or alternative dispute resolution of the proceedings.

PORTS OF AUCKLAND 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: Hamilton City Council

AND TO: The Appellant

Advice

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