

**IN THE ENVIRONMENT COURT  
AUCKLAND**

**ENV-2024-AKL-000049**

**I MUA TE KOOTI TAIAO O AOTEAROA  
I TE TĀMAKI MAKAURAU ROHE**

**IN THE MATTER** of the Resource Management Act 1991 ("**RMA**")

**AND**

**IN THE MATTER** of section 274 of the RMA

**BETWEEN** **KIWIRAIL HOLDINGS LIMITED**

Appellant

**AND** **BAY OF PLENTY REGIONAL COUNCIL**

Respondent

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**NOTICE OF FONTERRA LIMITED'S INTENTION  
TO BE A PARTY TO PROCEEDINGS**

**16 APRIL 2024**

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**Russell  
McLeagh**

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**To:** the Registrar of the Environment Court at Auckland

**And to:** the Appellant

**And to:** the Respondent

**Fonterra Limited** ("**Fonterra**") wishes to be a party to an appeal by KiwiRail Holdings Limited ("**KiwiRail**") against the decisions of the Bay of Plenty Regional Council on Proposed Change 6 to the Bay of Plenty Regional Policy Statement ("**RPS**").

#### **Nature of interest**

1. Fonterra made a submission and further submission about the subject matter of these proceedings.
2. Fonterra also has an interest in the proceedings that is greater than the interest that the general public has given reverse sensitivity, which the appeal addresses, is a major issue for Fonterra's day-to-day operations.
3. Fonterra is not a trade competitor for the purposes of section 308C of the RMA.

#### **Extent of interest**

4. Fonterra is interested in the following parts of KiwiRail's appeal, which seek to include reference to the management of reverse sensitivity within certain provisions of the RPS:
  - (a) amendments to Issue 2.8.1(2) – these include deletion of low density, and agreeing "low density" patterns of land use where there is a shortage of "appropriate" developable land may lead to unplanned growth, inefficient land use and reverse sensitivity effects;
  - (b) amendments to Issue 2.8.1(9) to manage conflicting uses in more intensive urban developments regarding "the safe and efficient operation of the transport network";
  - (c) additions to Policy UG 7A recognising development "avoids the potential for reverse sensitivity effects on the safe and efficient operation of transport corridors";
  - (d) changes to Policy UG 7AX and Policy UG 14B enabling increased-density urban development through minimising land use conflicts,

and restricting growth of urban activities outside urban environments respectively, including avoiding reverse sensitivity effects; and

- (e) additions to Policy UG 13B recognising the need for transport corridors to be "safe and efficient" in their operation, including the interface between land use, transport activities and the potential for reverse sensitivity on transport corridors. Fonterra also supports KiwiRail's inserts regarding appropriate reductions in building height and/or density of urban form as qualifying matters in Policy UG 13B.

### **Relief sought**

- 5. Fonterra supports the relief sought by KiwiRail set out above because it:
  - (a) will effectively and appropriately manage reverse sensitivity under the RPS, which is a major issue for Fonterra's manufacturing sites, and can be experienced, regardless of compliance, with resource consents or performance standards in a District or Regional Plan;
  - (b) will promote the sustainable management of natural and physical resources within the Bay of Plenty region, and is therefore consistent with Part 2 and other provisions of the RMA;
  - (c) will meet the reasonably foreseeable needs of future generations;
  - (d) will enable the social, economic and cultural wellbeing of the people of the Bay of Plenty;
  - (e) will facilitate the efficient use and development of natural and physical resources;
  - (f) it avoids, remedies or mitigates actual or potential adverse effects on the environment;
  - (g) is the most appropriate way to achieve the objectives of the RPS or the purpose of the RMA in terms of section 32 of the RMA.

**Alternative dispute resolution**

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

**FONTERRA LIMITED** by its solicitors and authorised agents Russell McVeagh:



<b>Signature:</b>	_____ Daniel Minhinnick
<b>Date:</b>	16 April 2024
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