

**IN THE ENVIRONMENT COURT  
AT AUCKLAND**

**UNDER** the Resource Management Act 1991

**IN THE MATTER OF** an appeal against the decision of Kaipara District Council on the Proposed Kaipara District Plan under Clause 14(1) of the First Schedule of the Act

**BETWEEN** **FONTERRA CO-OPERATIVE GROUP LIMITED**

**Appellant**

**AND** **KAIPARA DISTRICT COUNCIL**

**Respondent**

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**NOTICE OF APPEAL BY FONTERRA CO-OPERATIVE GROUP LIMITED  
AGAINST THE DECISION OF THE KAIPARA DISTRICT COUNCIL  
ON THE PROPOSED KAIPARA DISTRICT PLAN**

**(15 November 2011)**

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**Notice of appeal by Fonterra Co-operative Group Limited against the decision of the Kaipara District Council on the Proposed Kaipara District Plan**

*Clause 14(1) of First Schedule, Resource Management Act 1991 (RMA)*

**To:** The Registrar  
Environment Court  
PO Box 7147  
Wellesley Street  
AUCKLAND

**Email:** beth.ford@justice.govt.nz

1. Fonterra Co-operative Group Limited ("**Fonterra**") appeals against parts of the decision of the Kaipara District Council ("**KDC**") in respect of the Proposed Kaipara District Plan ("**Proposed Plan**").
2. Fonterra made a submission and further submissions on the Proposed Plan.
3. Fonterra received notice of the decision on 4 October 2011. The decision was made by KDC.
4. Fonterra opposes those parts of KDC's decision detailed below for the reasons given.

**5 Decisions**

- 5.1 The specific provisions, omissions or parts of decisions on submissions being appealed are:
  - Rule 14.10.14(2) (General Noise – Industrial Zone)
  - Rule 12.10.7 (Setbacks);
  - Rule 12.15 (Performance Standards for All Rural Subdivision);
  - Rule 12.10.1 (Excavation and Fill);
  - Rule 14.10.7 (Setbacks);
  - Rule 12.10.21 (Hazardous Substances);
  - Rule 14.10.21 (Hazardous Substances);
  - Appendix 25D (Hazardous Substances);
  - Appendix A – Indicative Growth Area Maungaturoto;
  - Planning Map 20; and
  - Planning Map 50.
- 5.2 Fonterra's general reasons for the appeal are that those sections of the KDC decision under appeal:
  - (a) are inappropriate and/or unnecessary;
  - (b) will not promote the sustainable management of natural and physical resources;
  - (c) will not promote the efficient use and development of natural and physical resources including dairy farming and dairy manufacturing sites;
  - (d) do not provide adequate security of investment for significant dairy related infrastructure;
  - (e) is contrary to good resource management practice; and

- (f) is otherwise inconsistent with the relevant provisions of the RMA including the purpose and principles of the RMA under Part 2.

## **6 Relief Sought**

### **6.1 Fonterra seeks the following relief:**

- (a) The relief sought as set out in paragraphs 7.3, 8.3, 9.3, 10.3, 11.3 and 12.3 of this notice.
- (b) Such consequential or incidental amendments as are required to achieve consistency with the relief sought in this notice.
- (c) Such further or other relief as the Environment Court thinks fit.
- (d) Costs.

## **SPECIFIC DECISIONS APPEALED**

## **7 Noise - Maungaturoto Dairy Manufacturing Site**

### **7.1 Decision Appealed**

KDC's decision to reject Fonterra's submissions in relation to 431/29 and 431/41 in relation to Rule 14.10.14(2) (General Noise – Industrial Zone) and Planning Maps 20 and 50.

### **7.2 Reasons for Appeal**

The noise limits specified for the Business Industrial Zone are appropriate for any new industrial activity that is established in the Zone. However, at the Maungaturoto Dairy Manufacturing Site, the processing of dairy products has been ongoing since 1902 and as a result, the site has existing use rights (confirmed by KDC in an Existing Use Certificate dated 1 June 2010 **attached as Appendix C**).

As part of the Existing Use Certificate, a 45 dBA L<sub>10</sub> Noise Contour Boundary ("**NCB**") was defined as the existing use rights noise environment for the Maungaturoto Dairy Manufacturing Site. Fonterra's submission sought that the NCB be formally adopted in the Proposed Plan as the appropriate noise control boundary for the Maungaturoto Dairy Manufacturing Site in Rule 14.10.14 (and shown on the relevant Planning Maps). Any new developments at the site would need to be designed to ensure that cumulative noise emissions from the site do not exceed the existing use rights level of 45dBA L<sub>10</sub> at the NCB.

KDC's decision acknowledged that the Maungaturoto Dairy Manufacturing Site enjoys existing use rights, but rejects Fonterra's submissions 431/29 and 431/41. KDC's reasons for their decision include comments that reverse sensitivity effects have been provided for by changes to zoning and Plan rules including separation distance rules. The issue of reverse sensitivity is addressed in further detail in relation to Fonterra's submissions 431/12 and 431/14 in paragraph 8 below.

Fonterra considers that the District Plan should formally recognise the existing authorised noise environment in the Business Industrial Zone in Rule 14.10.14 and that the fact that these existing use rights are known to the Council should encourage rather than dissuade the Council from including the NCB in the Proposed Plan. For those using the

District Plan, the rules should not only recognise and provide for the existing noise environment but also serve to warn those coming into the area what the noise environment is like.

On the basis of recommendations from their acoustic consultants, KDC has updated the noise descriptors in their noise rules from  $L_{10}$  to  $L_{Aeq}$  to align with the most recent versions of acoustical standards. Inclusion of the proposed NCB in the District Plan should also make reference to the updated  $L_{Aeq}$  for consistency. In addition, Fonterra's acoustic consultants have recommended a 70 dB  $L_{AFmax}$  limit be applied at the NCB to address "single event" noise effects from the Maungaturoto Dairy Manufacturing Site between 10.00pm and 7.00am.

### 7.3 Relief Sought

Amend Rule 14.10.14(2) as follows:

With the exception of activities at the Maungaturoto Dairy Factory, any activity is permitted if noise from the site does not exceed the following limits:

- (a) 75 dB  $L_{AFmax}$  as measured within the boundary of any other site in the same zone.
- i. 7:00am – 7:00pm (Mon-Sat): 55 dB  $L_{Aeq}$ .
  - ii. 7:00pm – 10.00pm (Mon-Sat) and 7:00am to 10.00pm (Sunday and Public Holidays): 50 dB  $L_{Aeq}$
  - iii. 10.00pm – 7.00am (any day): 45 dB  $L_{Aeq}$  and 75 dB  $L_{AFmax}$

as measured within any other site zoned Residential, or within the notional boundary of a residential activity in a Rural or Maori Purpose Zoned site.

Any activity at the Maungaturoto Dairy Factory is permitted if noise from the site (other than construction activities) as measured at the Noise Control Boundary shown on Planning Maps 20 and 50 does not exceed:

- i. At all times: 45 dB  $L_{Aeq}$
- ii. 10.00pm - 7.00am (any day): 70 dB  $L_{AFmax}$

Amend Planning Maps 20 and 50 to include the NCB around the Maungaturoto Dairy Manufacturing Site (refer Appendix B in Fonterra's submission attached as Appendix A).

## 8 Reverse Sensitivity – Maungaturoto Dairy Manufacturing Site

### 8.1 Decision Appealed

KDC's decision to reject Fonterra's submissions:

- 431/14 in relation to Rule 12.10.7 (Setbacks) and Planning Maps 20 and 50;
- Rule 431/21 in relation to Rule 12.15 (Performance Standards for All Rural Subdivision); and
- 431/41 in relation to Planning Maps 20 and 50.

### 8.2 Reasons for Appeal

In terms of the Maungaturoto Dairy Manufacturing Site, Fonterra considers that the District Plan should recognise the existing authorised noise environment in the Business Industrial Zone. For those using the District Plan, the rules should not only recognise the existing environment but also serve to warn those coming into the area what the noise environment is like.

The Maungaturoto Dairy Manufacturing Site is surrounded primarily by Rural Zone and must retain the ability to operate at current levels and to expand if required in the future. Land use planning needs to be managed carefully to ensure that reverse sensitivity issues do not arise.

At the Maungaturoto Dairy Manufacturing Site, the processing of dairy products has been ongoing since 1902 and as a result, the site has "existing use rights" (confirmed by KDC in an Existing Use Certificate dated 1 June 2010 **attached as Appendix C**).

As part of the Existing Use Certificate, a 45 dBA  $L_{10}$  NCB was defined as the existing use rights noise environment for the Maungaturoto Dairy Manufacturing Site. Fonterra's submission sought that the NCB be formally adopted in the Proposed District Plan as the appropriate noise control boundary for the Maungaturoto Dairy Manufacturing Site in Rule 14.10.14 and shown on the relevant Planning Maps. In addition, to protect the Maungaturoto Dairy Manufacturing Site from potential reverse sensitivity effects as a result of incompatible activities establishing near the site, Fonterra sought a new permitted activity performance standard to Rule 12.10.7 (Setbacks) where as a result any non-farming building in the Rural Zone would require a restricted discretionary activity resource consent if located within the proposed NCB. Similarly Fonterra sought a new permitted activity performance standard for Rule 12.15 where any rural subdivision would require a discretionary activity resource consent if located within the proposed NCB. Any dwelling approved under the resource consent process would need to demonstrate adequate noise attenuation measures are included in the construction to achieve acceptable internal noise levels.

The KDC decision commented that no reference is required to the NCB because the matter has been addressed adequately by Zone changes requested by Fonterra and amendments to the Residential Zone's Separation Distance Rule (Rule 13.10.8) and additions to the Business: Industrial and Commercial Zone's Sensitive Activities rule (Rule 14.10.3). While the Residential Zone's Separation Distance Rule (Rule 13.10.8), the Rural Zone Separation Rule for Sensitive Activities (Rule 12.10.9) require resource consent for any new dwelling within 300 metres of any industrial building or wastewater treatment site which is a key reverse sensitivity provision applicable to the Maungaturoto Dairy Manufacturing Site, the area encompassed by the 300 metre separation distance is significantly less than that covered by the NCB. Therefore it does not adequately address potential reverse sensitivity effects associated with noise.

On the basis of recommendations from their acoustic consultants, KDC has updated the noise descriptors in their noise rules from  $L_{10}$  to  $L_{Aeq}$  to align with the most recent versions of acoustical standards. Inclusion of the proposed NCB in the District Plan should also make reference to the updated  $L_{Aeq}$  for consistency.

### 8.3 Relief Sought

Add the following "Rural Permitted Activity Performance Standard" to Rule 12.10.7:

*Any building is set back outside the 45 dBA  $L_{Aeq}$  Noise Control Boundary surrounding the Maungaturoto Dairy Factory as shown on Planning Maps 20 and 50 (Note: This performance standard does not apply to buildings associated with farming activities).*

Add the following "Assessment Criteria" to Rule 12.10.7:

*Reverse sensitivity issues.*

Amend Planning Maps 20 and 50 to include the NCB around the Maungaturoto Dairy Manufacturing Site (refer Appendix B in Fonterra's submission **attached as Appendix A**).

Add the following new "Performance Standard for All Rural Subdivision" in Section 12.15:

<i>Rule</i>	<i>Parameter</i>	<i>Performance Standards</i>	<i>Activity Status if the Activity does not meet the Performance Standards</i>	<i>Assessment Criteria</i>
12.15.12	Maungaturoto Dairy Factory	Any subdivision must not occur within the 45 dBA $L_{Aeq}$ Noise Control Boundary surrounding the Maungaturoto Dairy Factory as shown on Planning Maps 20 and 50	Discretionary Activity	Council will have regard to reverse sensitivity issues on the Maungaturoto Dairy Manufacturing Site when considering an application for resource consent under this rule.

## 9 Reverse Sensitivity – Fonterra's Wastewater Pipeline

### 9.1 Decision Appealed

KDC's decision to reject Fonterra's submissions:

- 431/12 in relation to Rule 12.10.1 (Excavation and Fill); and
- 431/14 in relation to Rule 12.10.7 (Setbacks)

### 9.2 Reasons for Appeal

Fonterra owns an 8 kilometre dairy wastewater pipeline traversing Rural Zone land in a southerly direction from the Maungaturoto Dairy Manufacturing Site to two storage tanks on the banks of the Otamatea River estuary. The pipeline is an essential part of the factory services infrastructure and without it the site would not be able to process milk. Wastewater is held in the storage tanks prior to discharge on an outgoing tide in the Otamatea River estuary.

Fonterra's submission sought amendments to the Permitted Activity Performance Standards in Rule 12.10.1 (Earthworks) and Rule 12.10.7 (Rural Setbacks) to adequately protect the 8 kilometre wastewater pipeline from potential reverse sensitivity effects as a result of incompatible activities establishing nearby (and inclusion of the location of the wastewater pipeline on the relevant Planning Maps). There also are now two rural residential subdivisions (through which the pipeline passes), which did not exist ten years ago.

Potential reverse sensitivity effects include odour from breather valves, impact on the structural integrity of pipeline, disruption by heavy machinery required for repair or maintenance works. In terms of the relief sought by Fonterra, under Rule 12.10.1 a restricted discretionary activity resource consent would be required for any earthworks within 50 metres of the wastewater pipeline, and under Rule 12.10.7, a restricted discretionary activity resource consent would be required for any dwelling within 50 metres of the wastewater pipeline. As noted in the KDC decisions, during the Hearing process Fonterra offered to reduce the proposed 50 metre setback requirement to 30 metres. Fonterra also offered to amend Rules 12.10.1 and 12.10.7 so that they did not apply to dwellings or earthworks associated with subdivisions approved prior to the notification date of the Proposed District Plan (i.e. October 2009). In this regard, there are two residential subdivisions (through which the pipeline passes) which did not exist 10 years ago.

The KDC decisions do not appear to specifically address Fonterra's submission in relation to Rule 12.10.7 (Rural Setbacks). In terms of Rule 12.10.1 (Earthworks), KDC rejects Fonterra's submission on the basis that the suggested amendments "*are onerous and would be difficult to implement*". This is not sufficient resource management justification to reject Fonterra's submissions and will not ensure that effects on the environment are avoided.

In addition Fonterra lodged submissions seeking that the location of the Fonterra dairy factory wastewater pipeline be included on Planning Maps 20 and 50 for the purposes of implementing the proposed amendments to Rule 12.10.1 (Earthworks) and Rule 12.10.7 (Setbacks). Neither submissions appear to have been specifically addressed in the KDC Decisions, but as the wastewater pipeline has not been included on Planning Maps 20 and 50, Fonterra's submissions have been effectively rejected.

### 9.3 Relief Sought

Add the following "Rural Permitted Activity Performance Standard" to Rule 12.10.7:

*Any dwellinghouse is set back at least 30 metres from the Fonterra wastewater pipeline and storage tanks as shown on Planning Maps 20 and 50.*

Add the following "Assessment Criteria" to Rule 12.10.7:

*"With the exception of dwellinghouses associated with a subdivision approved prior to October 2009, where a dwellinghouse is located less than 30 metres from the Fonterra wastewater pipeline and storage tanks as shown on Planning Maps 20 and 50:*

- *Effects on slope stability and structural integrity of the pipeline and storage tanks;*
- *Retention of adequate heavy vehicle access to the pipeline and storage tanks for repair and maintenance work;*
- *Protection of existing and future pipeline breather valves including potential for reverse sensitivity effects arising from odour; and*
- *The extent to which consultation has been undertaken with Fonterra and written approval obtained.*

Add the following "Rural Permitted Activity Performance Standard" to Rule 12.10.1(2) (Excavation and Fill, East Coast & West Coast and Harbours (Mangawhai and Kaipara Overlays)):

*With the exception of earthworks associated with any subdivision approved prior to October 2009, any earthworks is set back at least 30 metres from the Fonterra wastewater pipeline and storage tanks as shown on Planning Maps 20 and 50 (Note: This performance standard does not apply to any earthworks associated maintenance and repair of the Fonterra wastewater pipeline and storage tanks).*

Add the following "Note" to Rule 12.10.1, Rural Permitted Activity Performance Standard:

*Provided that the aforementioned performance standards may be exceeded for earthworks necessary for building works authorised by a building consent, for the maintenance of farm tracks or the formation of farm drains, or the maintenance of the Fonterra wastewater pipeline and storage tanks as shown on Planning Maps 20 and 50."*

Add the following "Assessment Criteria" to Rule 12.10.1:

*Effects on the Fonterra wastewater pipeline and storage tanks as shown on Planning Maps 20 and 50 in particular:*

- *Effects on slope stability and structural integrity of the pipeline and storage tanks;*
- *Retention of adequate heavy vehicle access to the pipeline and storage tanks for repair and maintenance work;*
- *Protection of existing and future pipeline breather valves including potential for reverse sensitivity effects arising from odour;*
- *Protection of the pipeline and storage tanks from roads or driveways or access for other vehicular traffic; and*
- *The extent to which consultation has been undertaken with Fonterra and written approval obtained.*

Include the location of the Fonterra dairy factory wastewater pipeline on Planning Maps 20 and 50 (refer Appendix A in Fonterra's submission **attached as Appendix A** to this Appeal).

## **10 Building Setbacks near a Coast, Lake or River**

### **10.1 Decision Appealed**

KDC's decision to reject Fonterra's submission 431/28 to amend Rule 14.10.7 (Setbacks).

### **10.2 Reasons for Appeal**

Rule 14.10.7 requires restricted discretionary activity resource consent for buildings within 30 metres of the banks of any river or perennial stream whose bed has an average width of 3 metres or more. Fonterra owns, operates and maintains significant infrastructure within 30 metres of the Wairau River that is fundamentally important to the treatment and discharge of stormwater and wastewater and the ongoing operation of the Maungaturoto Dairy Manufacturing Site. From time to time, maintenance, alterations and upgrades to this infrastructure will be required and these works may include minor construction. Failure to undertake such work has the potential to result in significant adverse environment effects, particularly on the Wairau River. Accordingly, Fonterra sought an exemption in Rule 14.10.7 for such activities.

KDC rejected Fonterra's submission on the basis that it does not consider the suggested change appropriate as the Rule would be subject to controls under the Northland Regional Council's Plans. Fonterra considers that maintenance, alterations and upgrades of such infrastructure is more appropriately dealt with by the Northland Regional Council, and that the rule should be amended accordingly to avoid duplication.

### **10.3 Relief Sought**

Add the following provision to the end of Rule 14.10.7:

*Despite the above, maintenance, alterations and upgrades of a water take or discharge structure, or a pump shed, are not subject to this rule.*

## **11 Hazardous Substances**

### **11.1 Decision Appealed**

The decision of KDC to reject Fonterra's submissions:

- 431/19 to delete Rule 12.10.21 (Hazardous Substances) and make any other consequential changes;



- 431/31 to delete Rule 14.10.21 (Hazardous Substances) and make any other consequential changes; and
- 431/34 to delete Appendix 25D (Hazardous Substances) and make any consequential changes to remove reference to Appendix 25D.

## 11.2 Reasons for Appeal

Fonterra considers that compliance with HSNO regulations (in the Hazardous Substances and New Organisms Act 1996) should be sufficient for many substances and additional controls are not needed in the District Plan.

By way of example of potential issues associated with the Proposed District Plan rules controlling hazardous substances, Fonterra notes KDC's comments in relation to their decision on Fonterra's submissions on original Rules 12.10.21 and 14.10.23 (both rules relating to plant or animal effluent storage/disposal, now deleted). The comments state that specialist technical advice was provided which concluded that "effluent" is included in the definition of a hazardous substance under the Plan as a substance with a high biochemical oxygen demand (i.e. BOD5 exceeding 10,000 mg/l) so would be controlled under the hazardous substances provisions in Appendix 25D. Limits are then placed on the aggregate permitted quantities (e.g. 40,000 kg in the Rural Zone, 100,000 kg in the Industrial Zone).

Fonterra is concerned that on the basis of this interpretation, animal effluent ponds on typical dairy farms would require resource consent as storage facilities for a "hazardous substance" under Rule 12.10.21. Fonterra also notes that under Rule 12.10.21(a), consideration is required of the "aggregate quantity" of hazardous substances for any activity in terms of the permitted quantities under Table 1 of Appendix 25D (Hazardous Substances). This raises two issues:

- Whether it is intended, necessary or practicable to consider the quantity of animal effluent over the farm as a whole; and
- The impact classing farm dairy effluent ("FDE" - the effluent collected from the dairy shed and yard area each day) as a hazardous substance will have on the ability of dairy farmers to provide storage facilities for FDE to allow for either treatment (i.e. to allow for the use of pond treatment systems) or deferred irrigation of FDE.

The average size of a dairy herd in the Kaipara District during the 2009/10 season was 289 cows<sup>1</sup>. The daily volume of FDE produced per farm is likely to be in the region of 20.23m<sup>3</sup>. Total pond volume for an average herd size is likely to be 890m<sup>3</sup><sup>2</sup>, considerably larger than the permitted quantities.

Fonterra is also concerned that a number of other dairy farm related activities could be unintentionally captured by Rule 12.10.21 including (but not limited to) feedpad/stand-off pad scrapings, disposal of milk in effluent ponds (prior to land based disposal) where collection cannot occur.

In terms of the Maungaturoto Dairy Manufacturing Site, with a peak production capacity of 2.1 million litres/day, Fonterra is concerned that Rule 14.10.21 could unintentionally trigger resource consent for a number of typical products and activities (as "hazardous substances") including (but not limited to):

- Wholemilk (typical BOD of 120,000 mg/L);
- Skim Milk and Butter Milk (typical BOD of 60,000 mg/L);

<sup>1</sup> <http://www.dairynz.co.nz/file/ileid/31215>

<sup>2</sup> Dairy Environment Committee Manual, Table 3.5-7

- Cream (typical BOD of 400,000 mg/L);
- Wholemilk Concentrate (typical BOD of 460,000 mg/L);
- Skim Milk Concentrate (typical BOD of 290,000 mg/L);
- Buttermilk Concentrate (typical BOD of 265,000 mg/L);
- Whey Concentrate (with a typical BOD of 400,000 mg/L);
- Dry product (e.g. milk powder); and
- Dairy factory wastewater.

Fonterra considers that KDC should not be requiring resource consent for typical milk products at the Maungaturoto Dairy Manufacturing Site given the appropriate Business : Industrial zoning. Fonterra considers that it is more appropriate that wastewater and animal effluent storage and disposal (including location) is dealt with by the Northland Regional Council via the relevant Rules under the *Regional Water and Soil Plan for Northland*. In this regard, animal effluent storage and disposal is provided for as a permitted activity under Rule 16.1 of the *Regional Water and Soil Plan for Northland* and Fonterra holds resource consents for dairy factory wastewater treatment and disposal.

### 11.3 Relief Sought

Rewrite Rule 12.10.21 to state:

*Any activity is a permitted activity if storage or use of hazardous substances complies with the Hazardous Substances and New Organisms Act.*

Rewrite Rule 14.10.21 to state:

*Any activity is a permitted activity if storage or use of hazardous substances complies with the Hazardous Substances and New Organisms Act.*

Delete Appendix 25D (Hazardous Substances) and make any consequential changes to remove reference to Appendix 25D.

## 12 Maungaturoto Growth Area

### 12.1 Decision Appealed

KDC's decision to reject Fonterra's submission 431/43 to delete the Maungaturoto Growth Area in Appendix A of the Proposed District Plan east of Doctors Hill Road in Maungaturoto (i.e. in the vicinity of the Maungaturoto Dairy Manufacturing Site).

### 12.2 Reasons for Appeal

KDC's decisions do not appear to specifically comment on Fonterra's submission 431/43 to delete that part of the Maungaturoto Growth Area in the vicinity of the Maungaturoto Dairy Manufacturing Site. However the Maungaturoto Growth Area has not been amended as requested so accordingly Fonterra's submission has been effectively rejected.

Allowing future urban growth of Maungaturoto township adjacent to the Maungaturoto Dairy Manufacturing Site could result in incompatible land uses being located in close proximity placing constraints on it's use and development. The Maungaturoto Dairy Manufacturing Site must retain the ability to continue operating at current levels and to also expand if required in the future. Accordingly land use planning needs to be managed carefully to ensure that reverse sensitivity issues do not arise so the current Rural zoning surrounding the site should be retained.

**12.3 Relief Sought**

Delete the Maungaturoto Growth Area east of Doctors Hill Road in *Appendix A : Indicative Growth Area Maungaturoto*.

**13 Mediation**

Fonterra is willing to engage in mediation or other alternative dispute resolution.

**14 Attachments**

The following documents\* are attached to this notice:

- Appendix A A copy of Fonterra's submissions.
- Appendix B A copy of the relevant decisions.
- Appendix C Maungaturoto Dairy Manufacturing Site – Existing Use Certificate
- Appendix D A list of names and addresses of persons to be served with a copy of this notice.

\* These documents must be attached and lodged with the notice to the Environment Court. The appellant does not need to attach a copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.

**Signature:** **FONTERRA CO-OPERATIVE GROUP LIMITED**  
by its authorised agents Environmental Management Services Limited:



Graeme J Mathieson

**Date:** 15 November 2011

**Address for Service:** C/- Graeme Mathieson  
Environmental Management Services Ltd  
10 Banksia Place, Goodwood Heights, Manukau  
PO Box 97431, MANUKAU 2241

Telephone: (09) 2555127  
Facsimile: (09) 2555129  
E-mail: graeme.mathieson@emslimited.co.nz

**TO:** The Registrar  
Environment Court  
PO Box 7147  
Wellesley Street  
**AUCKLAND**

**AND TO:** The Respondent

**AND TO:** The submitters set out in Appendix D

**Advice to recipients of copy of notice of appeal***How to become a party to proceedings*

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after this notice was lodged with the Environment Court.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

*How to obtain documents relating to the appeal*

The copy of this notice served on you does not attach a copy of the appellants submission and the parts of the decision appealed (Appendices A and B). These documents may be obtained, on request, from the appellant.

*Advice*

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington or Christchurch.