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23 October 2009

Mackenzie District Council
c/- Glen Innes
P O Box 52
FAIRLIE

Dear Sir/ Madam

**NOTICE OF APPEAL AGAINST DECISION ON PLAN CHANGE 13 OF THE OPERATIVE
MACKENZIE DISTRICT PLAN**

Please find enclosed a copy of a notice of appeal on the decisions on the submission of Federated Farmers of New Zealand in respect of Plan Change 13 of the Operative Mackenzie District Plan. This notice is made under Clause 14 of the First Schedule to the Resource Management Act 1991.

You have been served a copy of the appeal because you were a submitter or further submitter in respect of one or more of the matters being appealed. We refer to you to the "Advice to Recipients of Copy of Notice" section attached to this letter.

If you would a copy of all the annexures filed with our appeal, please contact me.

Yours faithfully

Matt Harcombe
Manager
South Island Regional Policy Team

IN THE ENVIRONMENT COURT

IN THE MATTER	of the Resource Management Act 1991
BETWEEN	FEDERATED FARMERS OF NZ MACKENZIE BRANCH
	Appellant
AND	MACKENZIE DISTRICT COUNCIL
	Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT
AGAINST DECISION ON PLAN CHANGE 13 of the OPERATIVE MACKENZIE
DISTRICT PLAN**

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

**Federated Farmers of New Zealand (Inc)
Mackenzie Branch**

To: David Goodman
For Registrar
Environment Court
P O Box 2069
Christchurch

This Notice is made upon the following grounds:

1. Federated Farmers of New Zealand, Mackenzie Branch ("FFMB") makes this appeal in respect to submissions on the decision to which this reference relates, that being Plan Change 13 ("the Plan Change") of the Partially Operative Mackenzie District Plan ("District Plan"). A copy of Federated Farmers original submission and further submissions is attached.
2. The Mackenzie District Council ("the Respondent") is the local territorial authority that notified the plan change and made decisions on it. A copy of the decisions that relate to the FFMB submissions and appeal is attached.
3. The date of the receipt of the decisions by the appellant was 8th September 2009.

Provisions in the plan change to which the appeal relate

4. The whole decision but in particular, and not limited to
 - i. 3.2 Controlled Activity – Buildings
 - ii. 16.2.1 Assessment Matters – Farm buildings and farm retirement dwellings
 - iii. 3.5 Discretionary Activities – Buildings
 - iv. 3.5.1 Amenity Tree Planting – list of species
 - v. Appendix S Farm base areas

Reasons for Appeal

5. FF made submissions on the proposed plan change expressing major concern that the proposed objectives policies and rules were not justified and did not account for sustainable rural growth and overly restrictive farm development and diversification. The Branch considers that the objectives policies and rules adopted are inconsistent with the landscape findings and inconsistent with s5 and s6 RMA
6. In its submissions FFMB also sought the extension and identification of the areas around a farm residence, citing inadequate mapping and identification of existing development. It also sought less controls and restrictions on farm buildings and their location within a landscape.
7. The assessment matters for farm building do not take into account the need to locate a farm building because of its function and requirements for access and services.
8. The plan change has failed to correctly identify and or limit the scope of protection to the outstanding natural landscapes within the zone, but has put controls zone wide in an attempt to treat all landscapes covered by the plan change as containing elements of outstanding landscape, even where they do not.
9. The introduction of zone wide rules is overly restrictive on the farming community. The plan change has failed to identify all of the farm base areas within the district and some of the farm base areas have incorrect boundaries
10. It also submitted against the assessment matters and the activity status of buildings unable to be viewed from public areas. There is no recognition in the assessment matters that the requirement for landscape protection reduces with distance from a publicly accessible point or where it is unable to be seen from a publicly accessible point.
11. FFMB considers that the plan is ambiguous in the activity status of residential buildings outside of the farm base areas, in particular where a farm subdivision into two large balance lots has taken place.
12. The section 32 analysis has not adequately taken account of the affect of the plan change on the farming community.

13. The decision fails to give adequate reasons for rejecting submissions and further submissions.
14. FFMB in its submissions sought a more flexible approach to the planting of potential wilding species, *P. nigra* and *P. menzeii*. These are in common use and don't have the potential of spread than that of *P. ponderosa* which is not included in the list of prohibited species.
15. FFMB considers that for buildings in a rural landscape that a value of 40% reflectivity for a building is too high and fails to provide adequately for farm buildings and will restrict the use of the proposed colour palette even further than that provided for in the plan change.

Relief sought

- i. Rewrite policy 3A to protect ONL's only – Amend wording to refine ONL rules to limited areas only. This includes reference deleting reference to areas that are not identified as ONL.
- ii. Amend the Reflectivity requirements of farm buildings as set out in site standard 3.1.2.c
- iii. Include as an assessment matter in 16.2.1 *“the degree to which the building is required to be placed to achieve the efficient and effective operations of the farming activity”* or such wording that will recognise that the location of farm buildings in the landscape is critical to its function
- iv. Remove *Pinus nigra* and *Pinus menzeii* from the prohibited activity list 3.5.1 of amenity tree planting – for planting in farm base areas
- v. Consult further with individual landowners to extend the list and amend and finalise boundaries of farm base areas as set out by proposed Appendix S
- vi. Amend the access requirements for six or more lots in a subdivision
- vii. Clarify plan provisions in relation to controlled activity status for a farm residential building following a subdivision of greater than four hectares
- viii. Any further and subsequent amendments to the objectives, policies and rules in the plan change to meet the changes sought above.

The following documents are attached to this notice:

- (a) a copy of submission and further submission
- (b) a copy of the relevant decision (or part of the decision):
- (c) a list of names and addresses of persons to be served with a copy of this notice.

Dated the **Twentieth** day of **October** 2009

Signed

**for and on behalf of
Federated Farmers of New Zealand
Mackenzie Branch**

Address for Service:

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DUNEDIN 9058

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Copies to be sent to:

Glen Innes
The Chief Executive
Mackenzie District Council
PO Box 52
Main Street
FAIRLIE 7949

Copies to be served on other submitters

See attached list of submitters and addresses and cover letter

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may become 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 30 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 copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission or the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

The copy of this notice served on you does not attach a copy of any other documents necessary for the adequate understanding of the appeal (of which there were none), or a list of names and addresses of persons to be served with a copy of this notice. 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.

Contact details of Environment Court for lodging documents

Documents may be lodged with the Environment Court by lodging them with the Registrar.

The Christchurch address of the Environment Court is:

83 Armagh Street (corner Durham Street)
Christchurch

Its postal address is:

P O Box 2069
Christchurch

And its telephone and fax numbers are:

Telephone: (03) 962 4170
Fax: (03) 962 4171