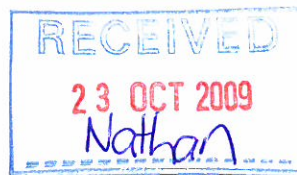


To
The Registrar
Environment Court
Christchurch



The Wolds Station Limited appeals the decision of the Mackenzie District Council on proposed Plan Change 13 to the Mackenzie District Plan.

The Appellant lodged submissions on the Plan Change.

Notice of the decision was received on or about the 9 September 2009.

The part of the decision that this appeal concerns is:

(a) The whole decision

in particular, but not limited to

(b) The decision that the maximum reflectivity index of the exterior of any buildings be 40% or less .

(c) 3.5.1 the decision on Amenity tree planting within a farm base area to exclude P nigra and P. menzeii.

(d) The decision to leave out from the farm base areas on The Wolds Station, the area at Windy Ridges.

The reasons for the appeal are

The plan change has failed to identify the outstanding natural landscapes within the zone and protect these, but has put controls zone wide. The landscape assessment by Mr Graham Demsem was incomplete and flawed.

The Council has not applied the Resource Management Act correctly because it puts rules on land that does not require landscape protection.

The section 32 analysis is incorrect, and has not taken account of the effect of the plan change on the farming community.

The commissioners fail to give adequate reasons for rejecting submissions and further submissions.

The reflectivity be 40% or less for building is to high. A tussock coloured painted weatherboard would not comply.

P nigra and P. menzeii are in common use and don't have any greater potential of spread than P. ponderosa which is not on the list. There are very limited species of trees we are able to grow.

The appellants seek the following relief from the court

Either, or a combination of the following:

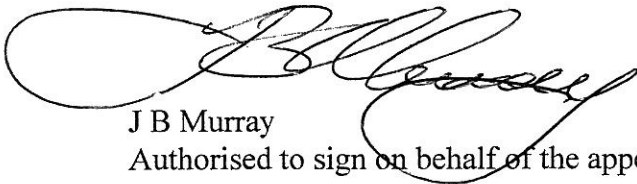
The rule on reflectivity for building be removed

Pinus nigra and Pinus menzeii be removed from the list of prohibited species for farm base areas

Windy Ridges be included in The Wolds Station's farm base area.

Such further or other relief as may be rational and applicable having regard to all the circumstances and to achieve a rational zone change.

The plan change be abandoned



J B Murray

Authorised to sign on behalf of the appellant

Address for Service of appellant:

The Wolds Station Limited
PO Box 154
Lake Tekapo

Phone 03)6806608, 0272941443
Email thewolds@farmside.co.nz

Contact person JB Murray

The following documents are attached to this notice:

- (a) A copy of the submissions made by the appellant
- (b) A copy of the list of names and addresses of persons to be served with a copy of this notice.

Advice to recipients of copy of notice of appeal

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice 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 too the Environment Court under srction 281 of the resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

Advice

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

THE WOLDS STATION LTD

The Wolds
PO Box 154
Lake Tekapo
03)6806608
thewolds@farmside.co.nz

October 16, 2009

Mackenzie District Council
PO Box 52
Fairlie

Submission on the proposed Plan Change 13 to the Mackenzie District Plan.

The Company wishes to be heard in support of it's submission.

We submit that the proposed plan change be withdrawn and rewritten for the following reasons:-

That PC 13 is too prescriptive and is not effects based as the RMA requires. The Plan Change fails to identify the outstanding and natural landscapes present in the basin (as the existing District plan does), it just puts controls on the whole basin. The concept of building nodes is flawed, out of date and has case law against it. I believe this plan change was driven predominantly by interests outside of the district including DOC and Ecan and a plan change as controlling as this is not wanted by the community who lives here and pay the bills.

The identification of the white area (Attachment 3) in which all building except a remote farm accessory building is non complying has not been accurately defined. There are large parts of the white area in which buildings could be placed with no or minimal impact on landscape when viewed from public roads. Similarly large parts of the white areas are quite highly modified by existing trees and buildings. Why are these examples given the protection normally given to outstanding natural landscapes. (see attached photographs)

The Council is seeking to control all building in terms of design, shape and appearance when clearly that is unnecessary over a great part of the Mackenzie Basin where a building would not be visible. All building, subdivision, earthworks and tracking in the

Mackenzie sub-zone would require an expensive and time consuming resource consent. We currently have consents from both Ecan and LINZ for earthworks and tracking associated with irrigation and now will need a consent from the MDC to continue. If any control on tracking and earthworks is required, it should only be in the really outstanding parts of the landscape, ie the scenic viewing areas and lakeside protection areas in the existing plan.

The section 32 analysis does not examine the economic reality we face as farmers or the negative economic impact PC 13 would have. We will face increased costs from the delays in obtaining resource consents as well as the actual costs of the consents. If we are unsuccessful we bear the opportunity cost as well. We have to be able to change to survive economically and I fear the prescriptive nature of PC 13 would potentially stifle the unforeseen changes we need to make. The controls are unjustified and overly complex and would limit our ability to adequately fund the stewardship role we currently undertake. The benefits of landscape protection won't be much use to us as farmers if we are financially not viable. DOC spends \$400,000 annually on wilding trees on its estate in the Mackenzie and openly admits this is insufficient.

The potential for subdivision and residential building allowed by the identified landscape sub areas and building nodes is in reality nonexistent. Because they are well away from roads and services the cost of development would far exceed the potential sale revenue. They would be hard to sell tucked away in hollows surrounded by trees away from water and little view. Screening with trees should only be required to reduce or break up visibility from a public place. Public access for 6 or more sections would drive purchasers away who value privacy and would greatly extend the area requiring landscape protection. (ie. thanks for nothing)

Farm buildings should be exempt from any plan change. There is currently minimal problem with inappropriate farm building and again the best landscapes are protected by scenic viewing areas and lakeside protection areas which should be retained in the plan. The concept of remote farm accessory buildings should be dropped as it would be hard to define what qualifies based on function. For example a grain silo needs to be accessible by a heavy truck and near a highway, but would store grain equally well anywhere. Any other farm or non residential building if not in a homestead node would need a non-complying consent or the creation of a node. This is too restrictive, unfair and far more restrictive than the Queenstown plan which allows a farm building as a permitted activity every 50 Ha provided the property is over 100 Ha. This means that the Queenstown Lakes District Council accepts that farm buildings are a legitimate farm activity and are not restricted to design, appearance or location.

The Wolds station owns two freehold sections at Windy Ridges on State highway 8 which would be in a proposed white zone. This means the plan change would make any new building non-complying. One section has no building on it and is now probably valueless. The area is clearly not natural with a large number of trees and buildings and

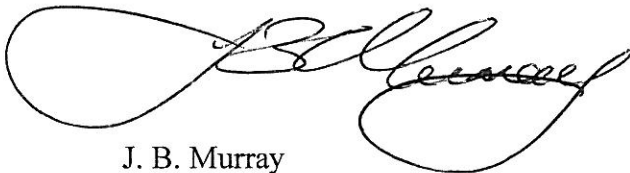
we submit it should be a building node. (see attached Photographs). If the building node concept is continued with the company would require these two sections totalling 21 Ha be designated a building node. We would also require the homestead node to be extended out to within 50 meters of state highway 8 between the existing fences because it is uneconomic to replace the bridge into the current homestead node.

The provision of one or more nodes over several properties is unjust, nodes should be allocated to a particular property.

We would also submit that the changes required to make this plan change workable are so great that the final version of PC 13 would be little resemblance to the draft. This means that people who have not submitted to this draft but who would have wished to have submitted on what the final version contains are unable to do so. For this reason as well PC 13 should be withdrawn

If PC 13 is not withdrawn then we submit that the Mackenzie District Council make such further additional, amended or consequential changes to any relevant part of the District Plan as are considered necessary to address the issues and concerns raised in this submission.

Signed

A handwritten signature in black ink, appearing to read 'J. B. Murray', with a large, stylized loop at the beginning and end.

J. B. Murray

On behalf of The Wolds Station Limited

Mackenzie District Council
C/- P O Box 52
FAIRLIE 7949

Classic Properties Ltd
Martin Murray
Maryburn Station
Private Bag
FAIRLIE 7949

Andrew Simpson
Balmoral Station
P O Box 91
LAKE TEKAPO 7945

Tasman Downs Station
Ian Hayman
P O Box 17
LAKE TEKAPO 7945

Trustees Est RH Simpson
H J Simpson
Mt Hay Station
P O Box 16
LAKE TEKAPO 7945

Braemar Station Ltd
Julia Mackenzie
P O Box 62
LAKE TEKAPO 7945

Helen Simpson
Mt Hay
P O Box 16
LAKE TEKAPO 7945

JG & CA Murray Family Trust
Jim Murray
P O Box 12
LAKE TEKAPO 7945

CS & PJ Stott
c/- MJ de Buyzer
Berry & Co
P O Box 12
OAMARU 9444

Rhoborough Downs Ltd
Nicola Hornsey
P O Box 17
LAKE TEKAPO 7945

Ruataniwha Farm Ltd
c/- Andrew Hocken
P O Box 17202
Greenlane
AUCKLAND 1546

Emily & Will Murray
Glenmore Stationn
P O Box 97
LAKE TEKAPO 7945

Robert Preston
Rhoborough Downs
Private Bag
FAIRLIE 7925

Donna Marie Falconer
46 Tekapo Drive
TWIZEL 7901

Bruce Pipe
P O 737
TIMARU 7940

Martin Galley
201 Mackenzie Drive
TWIZEL 7901

Glentanner Station Ltd
Mr Ross Ivey
P O Box 23
MOUNT COOK 7946

Dr Dugald McDonald
62 School Road
FAIRLIE 7925

Federated Farmers – South Canterbury
R Douglas
P O Box 665
TIMARU 7940

Federated Farmers – High Country Industry
Group
Bob Douglas
P O Box 665
TIMARU 7940

Simons Pass Station Ltd & Pukaki Irrigat
Company Ltd
c/- Goodman Steven Tavendale Reid
A C Limmer
P O Box 442
CHRISTCHURCH 8140

NZ Defence Force
c/- Rob Owen
Private Bag 902
UPPER HUTT 5140

Simons Hill Station Ltd
Denis Fastier
Private Bag
FAIRLIE 7949

Mackenzie District Council
c/- Glen Innes
P O Box 52
FAIRLIE 7949

Mackenzie District Council
c/- Glen Innes
P O Box 52
FAIRLIE 7949

Mt Gerald Station Ltd
Michael Burtcher
P O Box 81
LAKE TEKAPO 7945

Fairlie Branch South Canterbury Federal
Farmers of New Zealand
c/- Stan Taylor
Morelea
RD 17
FAIRLIE 7987

W E Robinson & W J Ellery
c/- Alan Clark
P O Box 47-587
Ponsonby
AUCKLAND 1144

Rangi Ruru Rowing Parents
c/- David McLernon
15 Snowdon Road
CHRISTCHURCH 8052

John Maxwell Phillips
852a Avonside Drive
CHRISTCHURCH 8061

John Harvey Blair
15 Allum Street
Kohimarama
AUCKLAND 1071

Irishman Creek Station Ltd
Justin Wills
Private Bag 910
TIMARU 7940

New Zealand Transport Agency
Colin Knaggs
P O Box 1479
CHRISTCHURCH 8140

Ross Brewer & Diana Brewer
123 Caulfield Ave
Clarence Gdns
South Australia 5039
AUSTRALIA

Willem Johan & Pauline Joan Beekhuis
15 Harcourt Street
DUNEDIN 9011

Oskar & Karoline Reider
c/- White Fox & Jones
T W Evatt
P O Box 1353
CHRISTCHURCH 8140

Christian Burtcher
c/- White Fox & Jones
T W Evatt
P O Box 1353
CHRISTCHURCH 8140

Tekapo Ski Area Ltd
c/- White Fox & Jones
T W Evatt
P O Box 1353
CHRISTCHURCH 8140

Mackenzie Branch Federated Farmers o
Zealand
c/- J B Murray
The Wolds Station
Private Bag
FAIRLIE

The Wolds Station Ltd
c/- J B Murray
P O Box 154
LAKE TEKAPO 7945

H M Murray & B R Murray
The Wolds Station
P O Box 154
LAKE TEKAPO 7945

Roberta Preston
Rhoroborough Downs
Private Bag
FAIRLIE

Sarah Preston
Rhoroborough Downs Station
Private Bag
FAIRLIE

Mrs Marion Seymour
Ferintosh Station
Private Bag
FAIRLIE

Mrs Marion Seymour
Ferintosh Station
Private Bag
FAIRLIE

Bruce White
50 Rhoboro Road
TWIZEL 7901

Grant & Natasha Hocken
P O Box 70
TWIZEL 7944

The Mackenzie Experience Ltd
c/- Grant Hocken
P O Box 70
TWIZEL 7944

High Country Properties Ltd
c/- Grant Hocken
P O Box 70
TWIZEL 7944

Sawdon Station
c/- RW & AF Allan, GDW Loxton & SAR Allan
P O Box 9
LAKE TEKAPO 7945

Bendrose Station
P O Box 84
TWIZEL 7944

Frank Hocken
P O Box 100
TWIZEL 7944

Malcolm & Karan McDiarmid
Aspen Court Motel
10 Mackenzie Drive
TWIZEL 7901

Guide Hill Station
c/- David Richard & Marion Patricia Goul
Braemar Road
LAKE TEKAPO

N & C Lyons Family Trust
c/- N J Lyons
544a Great King Street
DUNEDIN 9016

Mark Urquhart
Grays Hills
Private Bag
FAIRLIE

Alistair Shearer
9 Bradley Street
TIMARU 7910

Department of Conservation
c/- Cheryl Colley
Private Bag 4715
CHRISTCHURCH 8140

Brent Ramsay & Jason Dickson
80 Oakwood Ave
DUNEDIN 9011

Lone Star Farms Ltd
c/- Rata Consulting Ltd
5 Ernlea Terrace
Cashmere
CHRISTCHURCH 8022

Star Holdings Ltd
c/- Rata Consulting Ltd
5 Ernlea Terrace
Cashmere
CHRISTCHURCH 8022

South Canterbury Branch of Royal Forest &
Bird Protection Society of NZ
c/- Fraser Ross
29a Nile Street
TIMARU 7910

Julie Pascoe
420 Montreal Street
Central City
CHRISTCHURCH 8013

Glenrock Station Ltd
c/- Ann Scanlan
P O Box 421
WANAKA 9343

New Zealand Forest Establishment Ltd
Justine Ashley
c/- Planit R W Batty & Associates Ltd
P O Box 1845
CHRISTCHURCH 8140

Aoraki Trust Lands Ltd
c/- Bob Macintyre
P O Box 74111
Market Rd
AUCKLAND 1543

Ken & Jane Wigley
Glen Lyon Station
P O Box 11
TWIZEL 7944

Gillian Pollock
44 Aranui Road
Mapua
NELSON 0602

Haldon Station Ltd
c/- Green Group Ltd
Martin G Green
P O Box 105 153
AUCKLAND 1143

Meridian Energy Ltd
c/- Boffa Miskell
Rochelle Hardy
P O Box 110
CHRISTCHURCH 8140

Meridian Energy Ltd
c/- Boffa Miskell
Rochelle Hardy
P O Box 110
CHRISTCHURCH 8140

Canterbury Aoraki Conservation Board
c/- Brenda Preston
Dept of Conservation
Private Bag 4715
CHRISTCHURCH 8140

Coldwater Group
c/- Caleb Ballin
P O Box 41039
Ferrymead
CHRISTCHURCH 8247

Environment Canterbury
c/- Vin Smith
P O Box 345
CHRISTCHURCH 8140

Sue Keen
Shaelaburn
RD 2
OUTRAM 9074

L Brown
Shaelaburn
RD 2
OUTRAM 9074

Krista Curin
P O Box 142
TWIZEL 7944

Michael & Elaine Lindsay
Omahau Hill
P O Box 155
TWIZEL 7944

Lana Hastie
P O Box 57
TWIZEL 7944

High Country Rosehip Orchards Ltd
c/- Vivian & Espie Ltd
P O Box 2514
Wakatipu
QUEENSTOWN 9349

Mackenzie Lifestyle Ltd
c/- Vivian & Espie Ltd
P O Box 2514
Wakatipu
QUEENSTOWN 9349

Hocken Lane Land Owners Association
c/- The Secretary
Pauline Beekhuis
15 Harcourt Street
DUNEDIN 9011

Fountainblue Ltd, Southern Serenity Ltd &
Pukaki Tourism Holdings Partnership
c/- Vivian & Espie Ltd
Claire Le Grice
P O Box 79
TWIZEL 7944

Andrew Eccleshall
P O Box 79
TWIZEL 7944

Josh Billings & Ann Barton
25 Maffey's Road
Mt Pleasant
CHRISTCHURCH 8081

Steven Rhodes
15 Jasper Way
Springfield Lakes
Brisbane
QUEENSLAND 4300

Ethan Gabriel
398 Mount Cook Highway
TWIZEL

South Island Rowing Inc
The Secretary
P O Box 3261
CHRISTCHURCH 8140

Frank Hocken
P O Box 100
TWIZEL 7944

Frank Hocken
P O Box 100
TWIZEL 7944

Transpower New Zealand Limited
C/- Burton Planning Consultants Ltd
PO Box 33-817
Takapuna
AUCKLAND 0740

NZ Historic Places Trust
c/- Joanne Easterbrook
Heritage Advisor
P O Box 4403
CHRISTCHURCH 8140

Sean Jones
Omahau Station
P O Box 50
TWIZEL 7944

Connie Heath
265 Mackenzie Drive
TWIZEL 7901

David Scott
P O Box 115
LAKE TEKAPU 7945

Marion Gould
Guide Hill Station
P O Box 55
LAKE TEKAPU 7945

S A Bowers
52 Rata Road
TWIZEL 7901

Ross Carrick
C/- Moyles Pharmacy
6 Dee Street
TIMARU 7910

Peter Bell
11 Sloane Street
FAIRLIE 7925

NZ Fire Service
C/- Beca Carter Holdings
P O Box 13 960
CHRISTCHURCH 8141

EO & JE Sullivan
Raymond Sullivan McGlashan
P O Box 557
TIMARU 7940

Ursula Krebs
PO Box 545
WANAKA 9343

Te Runanga o Ngai Tahu
PO Box 13046
CHRISTCHURCH 8141

Murray Ewans
2 Glencairn Road
TWIZEL 7901

Ian Lintott
P O Box 169
TWIZEL 7940

Dean Smith
c/- 6 Holmes Street
WAIMATE 7924

Gottlieb & Anne Braun-Elwert
PO Box 75
LAKE TEKAPO 7945

Ralph Smith & I R Smith Family Trust
151 Saddle Hill Road
1 RD
DUNEDIN 9076

Jim & Anne Murray
P O Box 12
LAKE TEKAPO 7945

Ken & Glenda Robinson
42 Brooks View Heights
Tasman
RD 1
UPPER MOUTERE 7173

Brenda Agnew
P O Box 140
TWIZEL 7940

Lake Tekapo Community Board
c/- Peter Maxwell
P O Box 1
LAKE TEKAPO 7945

DJ & JL Rayner
53 Jollie Road
TWIZEL 7901

C Hughes & Associates Ltd
c/- Nicola Scott
P O Box 599
WANAKA 9343

Craig Aaron Robinson
Mawheraiti Postal Centre
GREYMOUTH 7839

A H Hunter
C/- White Fox & Jones
T W Evatt
PO Box 1353
CHRISTCHURCH 8140

K M Lane
121 Deans Ave
Riccarton
CHRISTCHURCH 8011

A J Phillips
45 Collingwood Street
NELSON 7010

Brett.J.Robinson (Nettlebed Family Trust)
42 Brooks View Heights,
R.D.1
Upper Moutere
Nelson 7173

M Bakker-Gelsing
854 Fairview Road
RD 2
TIMARU 7972

Valasay Properties Ltd
20 Royds Street
Fendalton
CHRISTCHURCH 8014

Simon & Priscilla Cameron
Ben Ohau Station
P O Box 95
TWIZEL 7944

Angela Robinson
459A North End Road
Fulham
London
UNITED KINGDOM SW6 1NZ

Phil Rive
68 Mackenzie Drive
TWIZEL 7901

Karen Simpson
Balmoral Station
P O Box 91
LAKE TEKAPO 7945

Shaun Norman
21 Godley Street
TWIZEL 7901

Twizel Community Board
c/- John Bishop
76 Highview Tce
St Andrews Park
QUEENSTOWN9300

Sam Bosshard & Jen Purdie
P O Box 53
TWIZEL 7944

PGG Wrightson Ltd
c/- Chris Adam
P O Box 521
TIMARU 7940

Canterbury/Aoraki Conservation Board
c/- Brenda Preston
Department of Conservation
Private Bag
CHRISTCHURCH

Andrew Dyer
2 Westminster Place
Rotorua
HAMILTON 3210

Seeam Ghoorah & Daim Ghoorah
P O Box 12
TWIZEL 7944

