

22 October 2009

Craig Lyon
Manager of Planning and Regulations
Mackenzie District Council
PO Box 52
FAIRLIE

Attention: Craig Lyon

Dear Sir

**APPEALS TO PROPOSED MACKENZIE DISTRICT COUNCIL PROPOSED
PLAN CHANGE 13 2008**

In accordance with the Regulations we enclose by way of service a copy of an appeal filed on behalf of our client Haldon Station to the provisions of the district plan.

Yours faithfully

Green Group Limited

Martin Green
Town Planner

**IN THE ENVIRONMENT COURT
AUCKLAND**

ENV

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Clause 14(1) of the First Schedule of
the Act

BETWEEN

Haldon Station
Appellant

AND

Mackenzie District Council
Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST THE DECISION OF
THE MACKENZIE DISTRICT COUNCIL PROPOSED PLAN CHANGE 13 TO
THE OPERATIVE DISTRICT PLAN**

Green Group Limited

Martin Green
PH: 64 9 3600466
Fax: 64 9 3600456
PO Box 105 153
Auckland

Haldon Station (“**Haldon**”) appeals against the decision of the Mackenzie District Council (“**Council**”) on the Proposed Plan Change 13 to the Operative District Plan (“**the Plan**”).

1. INTRODUCTION AND GENERAL MATTERS

Submission

- 1.1 **Haldon** made a submission on the Change on 8th April 2008. The submission was referenced by the Council as **Submitter No. 69**.

Decision

- 1.2 A notice of the decision by the Council (“**Decision**”) was received on 16th September 2009. The Decision approved the Plan and declined the submissions made by **Haldon**. 30 working days from the receipt of the Council’s decision is 28 October 2009.

Mediation

- 1.3 **Haldon** is willing to engage in mediation or other alternate dispute resolution to seek to address its concerns.

Attachments

- 1.4 The following documents are attached to this notice of appeal:
- (a) a copy of Haldon’s original submission
 - (b) a copy of the relevant decision; and
 - (c) a list of names and addresses of persons to be served with a copy of this notice.

2. GENERAL SUBMISSION: PRINCIPAL OUTCOMES

- 2.1 This appeal relates to the whole of the Decision.
- 2.2 The specific aspects of the decisions to which this appeal relates and the provisions they address are set out below. The appeal also relates to all consequential and related aspects of the plan, which may affect, or be affected by, this appeal.

3.0 Reasons for appeal

- 3.1 **Haldon** sought that various changes be made to the Plan to reflect its interests particularly in respect to property it owns at Haldon Station.

In particular **Haldon** sought:

- 3.1.1 To expand the ‘node’ that applies to Haldon Station’s property (‘the land’) to ensure that the node accurately incorporates all and any buildings that comprise Haldon’s activities. In particular the node should extend to the lake and border the river.

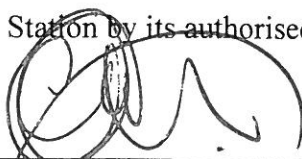
- 3.1.2 Create an additional node.
- 3.1.3 That ancillary farming buildings and dwellings be permitted to be located outside of nodes in the circumstances where these are a component of the primary activities on the submitter's property as a permitted activity.
- 3.1.4 Opposes the requirement that resource consent may be required where works are proposed to maintain or upgrade existing farm tracks or roads.
- 3.1.5 Opposes the requirement under clause 3.1.2d that farm buildings shall be a minimum of 100m from any non-farm buildings other than homesteads.
- 3.1.6 Opposes the requirement under 8.4 that in turn refers to 7.b.x that "access to allotments with the potential to accommodate more than 6 residential units shall be provided by way of a public road and not by private way or access lot." The submitter considers the requirement to be inappropriate in respect to its property.
- 3.1.7 Opposes requirement 2.q for the same reasons.

4.0 Relief Sought

Haldon seeks the following relief:

- 4.1 That the node be extended in the manner sought.
- 4.2 That provision be made for an additional node as outlined.
- 4.3 That ancillary farming buildings be permitted to be established outside of nodes.
- 4.4 That the requirement for a public road be deleted in the circumstances where the purpose of such roads is simply to facilitate access for farming purposes.
- 4.5 Delete the requirement specified under 3.2.1d as impracticable.
- 4.6 Such further or consequential relief as may be necessary to fully give effect to the relief sought.
- 4.7 Costs

Haldon Station by its authorised agents Green Group Limited



Martin G Green
B.R.P.(1980) M.N.Z.P.I.(1984)
Town Planner

Date: 22nd October 2009

Address for Service: Green Group Limited
12 – 14 Fitzroy Street
Ponsonby
Auckland

PO Box 105 153
Auckland

Telephone: (09) 3600466

Facsimile (09) 3600456

TO: The Registrar of the Environment Court

AND TO: Submitters and Further Submitters

AND TO: Respondent

Advice to recipients of copy of notice of appeal

How to become 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 30 working days after this notice was lodged with the Environment Court.

You may apply to the Environment Court under section 28 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 appealed. 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.