

**BEFORE THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

ENV- CHC 2018-

IN THE MATTER

Of an appeal pursuant to clause 14
of the First Schedule of the
Resource Management Act 1991

BETWEEN

**MAINLAND POULTRY
CANTERBURY LIMITED**

Appellant

AND

DUNEDIN CITY COUNCIL

Respondent

NOTICE OF APPEAL

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

Solicitor on record: Phil Page
Solicitor to contact: Phil Page
P O Box 143, Dunedin 9054
Ph: (03) 477 7312
Fax: (03) 477 5564
Email: phil.page@gallawaycookallan.co.nz

To: The Registrar

Environment Court

Christchurch Registry

1. Mainland Poultry Canterbury Limited appeals against decisions of the Dunedin City Council on the following:
 - (a) Submission OS782
2. I made a submission regarding the Proposed District Plan (OS782)
3. The appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
4. I received notice of the decision on 7 November 2018.
5. The decision was made by Dunedin City Council.
6. The decision I am appealing is:
 - (a) Industrial zones decision 3.9.1: to reject rezoning 13 Matanaka Drive from Coastal Rural to Industrial and provide for intensive farming as a permitted activity on the subject site.
 - (b) Rural zones decision 3.4.12.3: to reject making introducing policies and rules making provision for intensive farming activity at 13 Matanaka Drive in the event that rezoning to Industrial was not accepted.
7. The reasons for my appeal are:
 - (a) Mainland's activities on site include intensive farming and industrial (egg processing, packaging, and distribution) activities.
 - (b) The Industrial zone policy framework best recognises the likelihood of reduced amenity values and the importance of economic activity to the community.

- (c) If not Industrial zoned, then the Rural Zone is the only available zone for Intensive Farming activities.
 - (d) The Rural zone does not make adequate provision for intensive farming activities.
 - (e) The Rural Zones policy framework inappropriately prioritises residential amenity over Rural Activities.
8. I seek the following relief:
- (a) Rezone 13 Matanaka Drive to Industrial and Insert Intensive Farming as a permitted activity on 13 Matanaka Drive. Or
 - (b) In the Rural Zone:
 - (i) Insert Intensive Farming as a permitted activity at 13 Matanaka Drive into rule 16.3.3
 - (ii) Delete Intensive Farming from policy 16.2.2.5.
9. I attach the following documents to this notice:
- (a) A copy of my original submission
 - (b) A copy of relevant decisions; and
 - (c) A list of names and addresses of persons to be served with a copy of this notice.



Phil Page

Solicitor for the Appellant

DATED this 19th day of December 2018

Address for service

for Appellant: Gallaway Cook Allan
Lawyers
123 Vogel Street
P O Box 143
Dunedin 9054
Telephone: (03) 477 7312
Fax: (03) 477 5564
Contact Person: P J Page

Advice to Recipients of Copy of Notice

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, and serve copies on the other parties, within 15 working days after the period for lodging a notice of appeal ends. Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

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 relevant decision. These documents may be obtained, on request, from the Appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington or Christchurch.

Name	Address	Email Address
Dunedin City Council	P O Box 5045 Dunedin 9054	2GPappeals@dcc.govt.nz
AgResearch Limited (FS2398.12)	C/- Environmental Management Services PO Box 97431 Manakau 2241	Graeme.mathieson@emslimited.co.nz
Rural Contractors New Zealand Incorporated (FS2450.12)	C/- Environmental Management Services PO Box 97431 Manakau 2241	Graeme.mathieson@emslimited.co.nz
Glenelg Gospel Trust (OS350.9)	C/- Allan Cubitt 11 Bedford Street St Clair, Dunedin 9012	allan@cubittconsulting.co.nz
Craig Horne Surveyors Limited (OS704.6)	C/- Allan Cubitt 11 Bedford Street St Clair, Dunedin 9012	allan@cubittconsulting.co.nz
Blueskin Projects Ltd (OS739.6)	C/- Allan Cubitt 11 Bedford Street St Clair, Dunedin 9012	allan@cubittconsulting.co.nz
CTW Holdings Limited (OS742.6)	C/- Allan Cubitt 11 Bedford Street St Clair, Dunedin 9012	allan@cubittconsulting.co.nz
Blackhead Quarries Ltd (OS874.18)	C/- Allan Cubitt 11 Bedford Street St Clair, Dunedin 9012	allan@cubittconsulting.co.nz
G & J Sommers Edgar (OS889.4)	C/- Allan Cubitt 11 Bedford Street St Clair, Dunedin	allan@cubittconsulting.co.nz

	9012	
Waste Management (NZ) Ltd (FS2444.29)	C/- Jaime Lomas PO Box 3077 Waikato Mail Centre, Hamilton 3240	Jaime.lomas@harkness.co.nz
Egg Producers Federation of New Zealand (OS702)	C/- Harrison Grierson Consultants Limited PO Box 2313 wellington, 6140	p.israelson@harrisingrierson.com