

**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

**EGG PRODUCERS FEDERATION
OF NEW ZEALAND**

Appellant

AND

DUNEDIN CITY COUNCIL

Respondent

NOTICE OF APPEAL

**GALLAWAY COOK ALLAN
LAWYERS
DUNEDIN**

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To: The Registrar

Environment Court

Christchurch Registry

1. Egg Producers Federation of New Zealand appeals against decisions of the Dunedin City Council on the following:
 - (a) Submission OS702
2. I made a submission and further submission regarding the Proposed District Plan: OS702 and FS2437
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) Rural zones decision 3.4.9.2: to reject:
 - (i) Adding a new definition of Free Range Poultry Farming.
 - (ii) Adding Free Range Poultry Farming as a permitted activity under rule 6.3.3.
 - (iii) Adding Intensive Farming (poultry farming) to rule 6.3.3 as a permitted activity subject to performance standards.
7. The reasons for my appeal are:
 - (a) Egg production is an important element of farming in the Rural zones in Dunedin.
 - (b) Egg production is most appropriately located in the Rural zones.
 - (c) The Rural zone provisions do not make adequate provision for intensive farming (poultry) activities.

- (d) The Rural Zones policy framework inappropriately prioritises residential amenity over Rural Activities.
- (e) The effects of Intensive farming (poultry) can be adequately managed through a permitted activity regime subject to a performance standard requiring 250m separation from existing residential activities.
- (f) The potential adverse effects of Free Range Poultry Farming are no different to any other livestock farming activity. Free Range Poultry Farming should be a subset of Farming Activities, and excluded from Intensive Farming. Free Range Poultry Farming should be a permitted activity.

8. I seek the following relief:

(a) In the Rural Zone:

- (i) Insert Intensive farming in policy 16.2.1.1.
- (ii) Delete Intensive Farming from policy 16.2.2.5.
- (iii) Add a definition of Free Range Poultry Farming:

“Poultry farming where birds are housed in buildings that enable them to have free access to the outdoors.”
- (iv) Add Free Range Poultry Farming as a permitted activity under rule 6.3.3.
- (v) Exclude Free Range Poultry Farming from the definition of Intensive Farming.
- (vi) Add Intensive Farming (poultry) as a permitted activity under rule 6.3.3 but subject to a performance standard requiring a 250m setback from the nearest existing residential activity.

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
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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
Fonterra Limited (OS807.24)	C/- Russel McVeagh PO Box 8 Auckland 1140	Tom.atkins@russel mcveagh.com
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
Radio New Zealand Limited (OS918.40)	PO Box 123 Wellington 6140	Gary.fowles@radionz.co.nz
Federated Farmers of New Zealand (OS919.128)	PO Box 5242 Moray Place, Dunedin 9058	cryder@fedfarm.org.nz ; kreilly@fedfarm.org.nz
Horticulture New Zealand (FS2452.42)	PO Box 10232 The Terrace, Wellington 6143	Rachel.mcclung@hortnz.co.nz
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Geoff	C/- Gallaway	Derek.mclachlan@gallwaycookallan.co.nz

Scurr Contracting Limited (FS2391.27)	Cook Allan PO Box 143, Dunedin 9054	
Oceana Gold (New Zealand) Limited (OS1088.53)	22 MacLaggan Street, Dunedin 9016	Jackie.stjohn@oceanagold.com
HPPC (OS447.72)	30 Howard Street, Macandrew Bay, Dunedin 9014	Craigwerner.ww@gmail.com
STOP (OS900.104)	PO Box 23 Portobello, Dunedin 9048	stopincsoc@gmail.com
Kāti Huirapa Rūnaka ki Puketeraki and Te Rūnanga o Otakou (FS2456.48)	PO Box 446, Dunedin 9054	tim@ktkold.co.nz
NZ Institute of Surveyors (OS490.26)	C/- Terra Mark Limited PO Box 235 Dunedin 9054	Maaike@terramark.co.nz
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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
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Mainland Poultry (OS782.3)	C/- Gallaway Cook Allan PO Box 143 Dunedin 9054	Phil.page@gallwaycookallan.co.nz
Saddle Views Estate Limited (OS458.20)	C/- Allan Cubitt 11 Bedford Street St Clair,	allan@cubittconsulting.co.nz

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McLeary Family Trust (OS832.5)	C/- Farry and Co PO Box 5419 Moray Place Dunedin 9058	mnidd@farry.co.nz
Waste Management (NZ) Ltd (FS2444.29)	C/- Andrea Brabant PO Box 5217 Wellesley Street, Auckland 1141	abrabant@tonkintaylor.co.nz
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