

IN THE MATTER of the Resource Management
Act 1991

AND

IN THE MATTER of an appeal pursuant to clause
14(1) of the First Schedule of
the Act

BETWEEN **FEDERATED FARMERS OF
NEW ZEALAND**

Appellant

AND **WESTERN BAY OF PLENTY
DISTRICT COUNCIL**

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT
AGAINST DECISION ON A PROPOSED VARIATION TO A DISTRICT PLAN**
Clause 14(1) of First Schedule, Resource Management Act 1991

Federated Farmers of New Zealand

To: The Registrar
Environment Court
DX: CX10086
Auckland 1141

Federated Farmers of New Zealand appeal against a decision of the Western Bay of Plenty District Council on the following Plan Change:

Plan Change 16 to the Western Bay of Plenty District Plan

Federated Farmers of New Zealand made a submission (submission number 45) and a further submission (submission number FS75) and presented evidence before the Hearings Committee in respect of Plan Change 16 to the Western Bay of Plenty District Plan on 28 May 2012.

Federated Farmers of New Zealand is not a trade competitor for the purposes of Section 308D of the Resource Management Act 1991.

Federated Farmers of New Zealand received notice of the decision referred to in this appeal on Saturday 11 August 2012.

The decision to reject or accept only in part Federated Farmers submissions and further submissions in respect of Plan Change 16 to the Western Bay of Plenty District Plan was made by Western Bay of Plenty District Council.

Federated Farmers is willing to undertake mediation.

The decision (or parts of the decision) that Federated Farmers of New Zealand is appealing is:

1 Summary of the decision specific provision or matter

Rule 6.4.3.4 Restricted Discretionary Activities within Identified Viewshafts

1.1 The Western Bay of Plenty District Council decision was to accept in part our submission.

Summary of reasons for the appeal

1.2 Federated Farmers opposes the restricted discretionary status for specified activities within Viewshafts in Rule 6.4.3.4, and appeals that the Rule should be deleted. Buildings, fences and walls, artificial crop protection, earthworks fill, vegetation, production and commercial forestry are activities that are appropriate for the rural zone and should be permitted within the Western Bay of Plenty District Plan with no height limitations.

1.3 Federated Farmers considers the Western Bay of Plenty District Plan should prioritise primary production in the Rural zone over views, particularly when the land within the viewshafts is not considered Outstanding under Section 6(b) of the Resource Management Act and therefore do not need to be protected as a matter of national importance. The special landscapes that the Viewshafts look out over will still be present and protected, even if farming activities may obscure the view from the public vantage point.

1.4 The Western Bay of Plenty District Council's Section 32 Report on Page 9 considers that the main advantage of the restricted discretionary activity list will mean that regulation is targeted at activities with actual and potential adverse effects, however Federated Farmers considers that most of the activities listed demonstrate only de minimus effects at most and are necessary for primary production, and that the cost of regulating these activities in terms of social, economic and cultural well being is outweighed by the perceived benefits of protecting scenic views.

1.5 The Western Bay of Plenty District Council's decision acknowledged that a concern was that farming activities would be unnecessarily "caught" by the rule even if they would not obstruct the view, and attempted to alleviate this concern by specifying High Restriction Areas, Medium Restriction Areas and Low Restrictions Areas with cascading height limits. The Western Bay of Plenty District Council's decision also specified that the height of vegetation would be measured at maturity, and that fences would exclude post-and-wire fencing.

1.6 Federated Farmers considers that the restricted discretionary status for these activities and the high, medium and low restriction areas remains unnecessary. Landowners will be unnecessarily restricted

over land that is not found to meet Outstanding criteria. We remain unsatisfied that the Rule will achieve sustainable management and appeal that it be deleted.

1.7 Relief Sought

- a) That Rule 6.4.3.4 which assigns a restricted discretionary status for specified activities within identified Viewshafts is deleted, and
- b) Make any consequential amendment as to detail or substance throughout the Plan to give effect to this appeal point.

I attach the following documents to this notice:

- (a) a copy of Federated Farmers submissions:
- (b) a copy of the relevant decision (*or* part of the decision):
- (c) any other documents necessary for an adequate understanding of the appeal:
- (d) a list of names and addresses of persons to be served with a copy of this notice.



Rhea Dasent
for Federated Farmers of New Zealand

20 September 2012

Address for service of appellant:

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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 or a further 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 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 or service 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.