



E-MAILED  
1-3-17

**McFADDEN McMEEKEN PHILLIPS**  
LAWYERS

28 February 2017

Tasman District Council Staff  
Private Bag 4  
Richmond 7050



By email: [info@tasman.govt.nz](mailto:info@tasman.govt.nz)

By way of Service

Dear Sir/Madam

**RE: Notice of Appeal to Environment Court against Decision on Proposed Plan Change**

Please find **attached** a copy of our Notice of Appeal to Environment Court against Decision on Proposed Plan Change.

Please note this has also been posted to you on 28 February 2017.

Yours faithfully  
**McFADDEN McMEEKEN PHILLIPS**

**Nigel McFadden**  
Partner

[nigel@mmp.co.nz](mailto:nigel@mmp.co.nz)



BEFORE THE ENVIRONMENT COURT  
AT WELLINGTON

ENV-W2017-

IN THE MATTER of the Resource Management  
Act 1991

AND

IN THE MATTER of an Appeal under the Resource  
Management Act 1991

BETWEEN

**RALPH BRADLEY** of Wai-iti,  
Pastor

Appellant

AND

**TASMAN DISTRICT COUNCIL**  
a Local Authority duly  
constituted under the provisions  
of the Local Government Act  
2002

Respondent

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NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON PROPOSED PLAN  
CHANGE

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McFadden McMeeken Phillips  
Barristers & Solicitors  
187 Bridge Street  
Nelson 7010  
Telephone 03 548 2154  
Facsimile 03 548 2157

Solicitor Acting:

Nigel McFadden

To: The Registrar  
Environment Court  
Wellington

1. I, Ralph Bradley of Wai-iti, Pastor Hereby Appeal against part of a decision of Tasman District Council on the following proposed plan:

That part of Change 60 to the Tasman Resource Management Plan making change to Rule 17.5.3.1 (b), Rule 17.5.3.2(e)(iv) and Rule 17.3.3.1(n)(i) (“the provisions”).

2. The Appellant made a submission on Proposed Plan Change 60.
3. The Appellant is not a trade competitor for the purposes of Section 308D of the Resource Management Act 1991.
4. The Appellant received notice of the decision on the 10<sup>th</sup> day of December 2016.
5. The decision was made by Tasman District Council.
6. The part of the decision the Appellant is appealing is:
  - a. That part of the decision which disallowed the Appellant’s submission seeking:
 

The amendment of Rule 17.5.3.1 (kb) (Rural 1 Zone); Rule 17.5.3.2(e)(i) (Rural 1 Zone) and 17.6.3.1(n)(i) (Rural 2 Zone) to revert back to a 5m setback, where adjacent land is bare for at least 30 metres; and/or adjust the setback to 10 m where there is building on the neighbouring side within 30 metres.
7. The reasons for the appeal are:
  - a. As to the provisions:
    - i. The rules introduce new provisions for setbacks of 30 metres (for habitable buildings) from internal boundaries in the Rural 1 and 2 Zones (excepting where an alteration does not increase the level of non compliance (17.5.3.1(kb); 17.5.3.2(e)(i) and 17.6.3.1 (n)(i)), and introduces new provisions for habitable buildings in the Rural Residential and Rural 3 Zones to be set back 30 metres from boundaries to the Rural 1, 2 (and 3) Zones (17.7.3.1(ga)(i), 17.7.3.2(f)(i), 17.8.3.1(h)(i) and 17.8.3.2(e)(i)).

The Operative Plan (before the proposed Plan Change 60) required buildings, including habitable buildings, to be set back 5 metres from boundaries, unless the adjacent property contained horticultural plantings where pesticides may be discharged, in which case a setback of 30 metres from such adjacent boundaries, and from vineyard plantings, or 20 metres where a spray belt is established.

- ii. The approach by Tasman District Council seems to be that to impose the “*blanket setback rule*” will remove the “*first come first served*” principle (where the first to plant or to build traditionally controls the later planter/builder –) and it is said that “*limits productive opportunity*”, (says Council) the change

“... *improve[s] the protection of productive opportunity for the future, ...*”, and

“*Benefits include better use of land, improved amenity, reduced conflict for landowners and the community, reduced number of complaints about cross-boundary effects and reduced wish of reverse sensitivity effects*”.

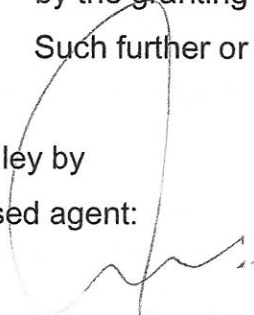
In fact – none of those so called “*benefits*” have been in any way proven – and excluding the resource consent application issue (already addressed by the current Operative Plan) the blanket nature of the proposed 30 metre setback rule to all land (including Rural 1, 2 and 3 Zones) will:

- (a) Compromise the use of the land;
- (b) Reduce the flexibility of location for houses in rural areas;
- (c) Creating the necessity for Resource Consents to depart from the rule and to cost;
- (d) Increase the risk of cross-boundary conflict;
- (e) Cause (potentially) a significant waste of rural land;
- (f) Negatively impact on the rural character by working against the “*clustering*” of habitable buildings (Change 60 seeks to introduce more flexible housing choices in rural areas ...);
- (g) Create tension with neighbours through a consent process;
- (h) Impose regulations where such as that proposed is not necessary, nor has it been shown to be so;

- (i) There are many properties in the Rural 1 and 2 (in particular) Zone when the imposition of a blanket rule as proposed will remove the opportunity to use, or effectively use the land for establishment of a habitable building;
- (j) The rule does not achieve the purpose of the Resource Management Act 1991;
- (k) The rule offends against Part 2 of the Resource Management Act 1991.

8. The Appellant seeks the following relief as to Rules 17.5.3.1(kb), Rule 17.5.3.2(e)(i) and Rule 17.6.3.1(n)(i) to cancel the decision, delete the provisions, and grant the relief sought on the Appellants submission.
- a. The costs of this Appeal;
  - b. Such other consequential amendments to the change as may be occasioned by the granting of the above relief;
  - c. Such further or other relief as the Court shall deem just.

Ralph Bradley by  
his authorised agent:



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Date: 10 / 2 / 2017

The Address for Service of  
the Appellant is at the Offices  
of:

McFadden McMeeken Phillips  
Solicitors  
187 Bridge Street  
Nelson 7010  
Telephone: (03) 548 2154  
Facsimile: (03) 548 2157

**Attached** are the following:

A copy of the Appellants submission;

A copy of the Decision;

# Submission on a Change to the Tasman Resource Management Plan

**Return your submission by the advertised closing date to:**

Manager, Policy  
Tasman District Council  
Private Bag 4, Richmond 7050 OR  
189 Queen Street, Richmond OR  
Fax 03 543 9524 OR Email [steve.markham@tasman.govt.nz](mailto:steve.markham@tasman.govt.nz)

**Cover Sheet**

**OFFICE USE**

Date received stamp:

24.2.16

R

Initials: \_\_\_\_\_

Submitter No. \_\_\_\_\_

3999

**Note:**

*This form is only for the purpose of making a submission on the Plan. It is NOT for making a further submission (i.e. in support or opposition to an original submission) or for making a submission on a resource consent or on Council's Annual Plan.*

Submitter Name: Ralph Bradley  
(organisation/individual)

Representative/Contact:  
(if different from above)

Postal Address:

463 Wakefield- Kohatu Hwy  
R D 1 Wakefield 7095

Home Phone: 03 5418859

Bus. Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email: ralphb@clear.net.nz

Date: 23-Feb-2016

Postal address for service of person making submission:  
(if different from above)

Signature: R

*NOTE: A signature is not required if you make your submission by electronic means.*

Total number of pages submitted (including this page): \_\_\_\_\_

**IMPORTANT – Please state:**

This submission relates to Change No.: 60

Change Title/Subject:

Rural Land Use

- I/we wish to be heard in support of my/our submission.
- I/we would be prepared to consider presenting my/our submission in a joint case with others making a similar submission at any hearings.

Please attach this cover sheet to your supplementary sheet(s) outlining your submission request(s).



Supplementary Sheet

OFFICE USE Submitter Number: 3999

<p>(1) My submission relates to: Provision No or Planning Map No. <i>(Please specify, e.g. 34.2.20(a)(iii) or Zone Map 25)</i></p>	<p>(2) My submission is that: <i>(State concisely the nature of your submission and clearly indicate whether you: • support or oppose the specific provisions, or • wish to have amendments made, giving reasons)</i></p>	<p>(3) I seek the following decisions from the Tasman District Council: <i>(Give precise details of the nature of the decision you seek in relation to the variation number and provision/map number given in column (1), e.g. addition, deletion or alteration. The more specific you can be the easier it will be for Council to understand your concerns.)</i></p>	<p>OFFICE USE Submission No.</p>
<p>1. General</p> <p>2. Boundary Set backs</p>	<p>In general I support the direction of the Changes to the plan and like the concept of keeping larger blocks of rural land together.</p> <p>Thank you to the staff who explained the changes at the Wakefield meeting.</p> <p>That the 5m set back be left in place for Rural 1 &amp; 2.</p> <p>Or That the 5m set back from boundaries be left as it is where the boundary is adjacent to a minium of 30m of vacant land on the neighbouring side. ie where grazing pasture is the only thing on the neighbors side of the boundary.</p> <p>That the set back in all other cases be a maximum of 10m.</p> <p>( this will allow building as of right on more narrow or narrow necked properties.)</p>	<p>1. Leave the 5m set back as it is now.</p> <p>2 OR: Allow a 5m set back where adjacent land is bare land with no buildings for at least 30m on the neighbouring side.</p> <p>3. And?Or Adjust the maximum required set back to 10m where building on the neighbouring side of the boundary are within 30m.</p>	<p>①</p> <p>②</p>

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Feel free to contact us:



Tasman District Council  
Email [info@tasman.govt.nz](mailto:info@tasman.govt.nz)  
Website [www.tasman.govt.nz](http://www.tasman.govt.nz)  
24 hour assistance

Richmond  
189 Queen Street  
Private Bag 4  
Richmond 7050  
New Zealand  
Phone 03 543 8400  
Fax 03 543 9524

Murchison  
92 Fairfax Street  
Murchison 7007  
New Zealand  
Phone 03 523 1013  
Fax 03 523 1012

Motueka  
7 Hickmolt Place  
PO Box 123  
Motueka 7143  
New Zealand  
Phone 03 528 2022  
Fax 03 528 9751

Takaka  
14 Junction Street  
PO Box 74  
Takaka 7142  
New Zealand  
Phone 03 525 0020  
Fax 03 525 9972

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## Change 60: Character and Amenity

## Decisions and Reasons

C60.2864.40	Horticulture New Zealand	Allow
C60.2864.43	Horticulture New Zealand	Allow
Allow	FC60.4011.6	
C60.2864.44	Horticulture New Zealand	Allow
C60.2864.47	Horticulture New Zealand	Allow
Allow	FC60.4011.4	
C60.2864.50	Horticulture New Zealand	Disallow
C60.2864.51	Horticulture New Zealand	Allow
C60.2864.54	Horticulture New Zealand	Disallow
C60.2864.55	Horticulture New Zealand	Allow
Allow	FC60.4011.9	
C60.2864.56	Horticulture New Zealand	Allow
C60.2864.59	Horticulture New Zealand	Disallow
C60.2864.60	Horticulture New Zealand	Allow
C60.2864.62	Horticulture New Zealand	Allow
Allow	FC60.4011.10	
C60.2864.63	Horticulture New Zealand	Allow
C60.2864.66	Horticulture New Zealand	Allow
C60.2864.69	Horticulture New Zealand	Allow
Allow	FC60.4011.15	
C60.2864.71	Horticulture New Zealand	Allow
C60.3660.1	St Leger Group	Allow In Part
C60.3660.2	St Leger Group	Disallow
C60.3660.3	St Leger Group	Disallow
C60.3660.4	St Leger Group	Disallow
C60.3974.19	Aggregate and Quarry Assn of NZ (AQA)	Allow
Allow	FC60.4065.19	
C60.3974.20	Aggregate and Quarry Assn of NZ (AQA)	Allow
Allow	FC60.1076.10 FC60.4065.20	
C60.3974.21	Aggregate and Quarry Assn of NZ (AQA)	Allow
Allow	FC60.4065.21	
C60.3974.22	Aggregate and Quarry Assn of NZ (AQA)	Allow
Allow	FC60.4065.22	
C60.3974.23	Aggregate and Quarry Assn of NZ (AQA)	Allow
Allow	FC60.4065.23	
C60.3974.24	Aggregate and Quarry Assn of NZ (AQA)	Allow
Allow	FC60.4065.24	
C60.3991.2	Bensemman, Alan	Disallow
Allow	FC60.2864.47	
C60.3996.5	Boomerang Farm Ltd/M Wratten	Disallow
C60.3996.6	Boomerang Farm Ltd/M Wratten	Disallow
C60.3996.7	Boomerang Farm Ltd/M Wratten	Allow
C60.3996.8	Boomerang Farm Ltd/M Wratten	Allow
C60.3999.2	Bradley, Ralph	Disallow
Allow	FC60.2864.34	
C60.4002.1	Butts, Robert J	Allow
C60.4011.2	Egg Producers Federation of NZ	Allow
C60.4011.3	Egg Producers Federation of NZ	Allow
C60.4011.11	Egg Producers Federation of NZ	Allow
C60.4011.12	Egg Producers Federation of NZ	Allow
C60.4011.13	Egg Producers Federation of NZ	Allow
C60.4011.17	Egg Producers Federation of NZ	Allow In Part
C60.4011.18	Egg Producers Federation of NZ	Allow In Part

**606****Change 60: Character and Amenity****Decisions and Reasons**

C60.4011.18	Egg Producers Federation of NZ	Allow In Part
C60.4016.5	Golden Bay Surveyors	Disallow
<i>Allow</i>	FC60.2864.35	
C60.4023.6	Hancock Forest Management (NZ) Ltd	Allow
<i>Allow</i>	FC60.806.41	
C60.4023.10	Hancock Forest Management (NZ) Ltd	Allow
C60.4023.11	Hancock Forest Management (NZ) Ltd	Disallow
C60.4023.14	Hancock Forest Management (NZ) Ltd	Allow
C60.4023.30	Hancock Forest Management (NZ) Ltd	Allow
C60.4034.4	Kebbell, John	Disallow
<i>Allow</i>	FC60.2864.48	
C60.4035.1	Kelsall, Julia	Disallow
<i>Allow</i>	FC60.2864.49	
C60.4036.2	Kerrisk, Billy	Allow
C60.4041.2	Laing, Chris	Disallow
<i>Allow</i>	FC60.2864.36	
C60.4048.5	McMahan, Diana C	Disallow
C60.4049.2	Manson, Mark & Laura	Disallow
<i>Allow</i>	FC60.2864.38	
C60.4050.8	Maurer, Joachim	Disallow
C60.4057.2	New Zealand Defence Force	Allow
C60.4057.3	New Zealand Defence Force	Allow
C60.4063.1	Pons, Rodger	Allow
<i>Disallow</i>	FC60.2864.53	
C60.4063.2	Pons, Rodger	Disallow
C60.4065.1	Port Tarakohe Services Ltd	Allow
C60.4065.2	Port Tarakohe Services Ltd	Allow
C60.4065.3	Port Tarakohe Services Ltd	Allow In Part
C60.4065.5	Port Tarakohe Services Ltd	Allow
C60.4068.9	Rural Contractors NZ Inc. (RCNZ)	Allow
C60.4072.6	Scurr, Lorna	Allow In Part
C60.4085.2	Staig & Smith and Alandale & Vailima Orchards	Disallow
<i>Allow</i>	FC60.2864.43	
C60.4086.3	Wallis, William G	Disallow

**Plan Amendments****Topic : 16.3.7.1**

Amend condition 16.3.7.1(d) by adding to the end: "which is set back 30 metres from internal boundaries where those boundaries are to the Rural 1 or Rural 2 Zone."

**Topic : 16.3.8.1**

1. Insert a new condition in 16.3.8.1 as follows:  
"Building Location Area"  
(bb) Every allotment on which any habitable building is intended to be located has a building location area shown which is set back 30 metres from internal boundaries where those boundaries are to the Rural 1, Rural 2 or Rural 3 Zone."
2. Insert a new matter of control:  
"(11B) Potential for reverse sensitivity effects on plant and animal production activity in an adjoining Rural 1, 2 or 3 zone."
3. Insert a new matter of control:  
"(11C) Potential for reverse sensitivity effects on an existing, lawfully established quarry which was a quarry on or before 30 January 2016."

**Topic : Sch. 16.3A**

**Decisions and Reasons**

Amend Schedule 16.3A to add an additional criterion as follows:  
 "Potential for reverse sensitivity effects on plant and animal production activity."

**Topic : Chapter 17**

1. Amend conditions 17.7.3.1(ga)(i), 17.7.3.2(f)(i) and 17.8.3.1(h)(i) by adding the following words to the end of the sentence: "except for a habitable building on a site located in a subdivision that was consented before 30 January 2016 where the setback is 5 metres".
2. Amend 17.5.3.1(h)(i) and 17.6.3.1(j)(i) to move proposed additional wording from before the word "and" to after the same word "and".
3. Amend the proposed conditions 17.5.2.1(n), 17.6.2.1(n) and 17.7.2.1(i) by:
  - adding the words "including poultry body part and poultry offal processing and composting," after the words "poultry farming";
  - replacing the word "300m" with "170m".
4. Amend proposed conditions 17.5.3.1(kb)(ii), 17.5.3.2(e)(ii), 17.6.3.1(n)(ii); 17.7.3.1(ga)(ii), 17.7.3.2(f)(ii), and 17.8.3.1(h)(ii) by replacing the word "300m" with "200m" and adding to the end: "except for habitable buildings located on the same site as the existing lawfully established intensive livestock farm which is a poultry farm.
5. Amend conditions 17.5.3.2(f) and 17.6.3.1(o) to:  
 "Dwellings are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)."
6. Amend condition 17.7.3.1(ga)(iii) to:  
 "(gb) Dwellings are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)."
7. Amend condition 17.7.3.2(f)(iii) to:  
 "(fa) Dwellings are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)."
8. Amend matters 17.5.3.2(5A), 17.6.3.2(5A), 17.8.3.1A(5) to include the following words "potential for reverse sensitivity effects on" before the words "plant and animal production".
9. Insert a new matter into rule 17.7.3.2 as follows:  
 "(5B) Effects of buildings, including dwellings, where they exceed building coverage, on rural amenity and character, and potential for reverse sensitivity effects on plant and animal production."
10. Add new proposed conditions 17.6.3.4(da) and 17.7.3.3(e):  
 "Dwellings are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)."
11. Amend 17.8.2.1(j) to read:  
 "A residential activity is set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)."
12. Amend 17.5.3.1(kb)(i), 17.5.3.2(e)(i) and 17.6.3.1(n)(i) to add the following words to the end of the sentence: "except where the boundary is to the Residential, Rural Residential or Rural 3 zone where the setback is 5 metres" to read as follows:  
 "Habitable buildings are set back:  
 (i) at least 30 metres from any internal boundary, except where the activity is an alteration to a dwelling, and the setback to the boundary is not thereby reduced and except where the boundary is to the Residential, Rural Residential or Rural 3 zone where the setback is 5 metres".
13. Revert to operative condition 17.8.3.2(e) but amend to delete sub-condition (iii) and include the words "including vineyards" after the words "horticultural plantings" wherever it occurs in condition (e).
14. Amend conditions 17.6.3.4(d) and 17.7.3.3(d) to delete sub-condition (iii) and include the words "including vineyards" after the words "horticultural plantings" wherever it occurs in condition (d).

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**Change 60: Character and Amenity****Decisions and Reasons****Topic : 17.5.2**

Insert a new rule 17.5.2.8B:

17.5.2.8B Restricted Discretionary Activities (Intensive Livestock Farming - Poultry Farming)  
Intensive livestock farming which is poultry farming that does not comply with the conditions of rule 17.5.2.1 is a Restricted Discretionary Activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which Council has restricted its discretion:

- (1) Effects on amenity, including:
  - (a) ability to mitigate offensive odour,
  - (b) ability to mitigate visual effects by screening of activities from adjoining roads and sites,
  - (c) adverse effects of the activity in terms of traffic, parking congestion on site and safety and efficiency of roads giving access to the site,
  - (d) ability to manage effluent and waste generated as part of the activity."

**Topic : 17.5.3.3**

1. Revert to operative condition 17.5.3.3(d) but amend to delete sub-condition (iii) and include the words "including vineyards" after the words "horticultural plantings" wherever it occurs in condition (d).
2. Amend proposed condition 17.5.3.3(bc) to add reference to: "conditions 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)".

**Topic : 17.6.2**

Insert a new rule 17.6.2.8B:

17.6.2.8B Restricted Discretionary Activities (Intensive Livestock Farming - Poultry Farming)  
Intensive livestock farming which is poultry farming that does not comply with the conditions of rule 17.6.2.1 is a Restricted Discretionary Activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which Council has restricted its discretion:

- 1) Effects on amenity, including:
  - (a) ability to mitigate offensive odour,
  - (b) ability to mitigate visual effects by screening of activities from adjoining roads and sites,
  - (c) adverse effects of the activity in terms of traffic, parking congestion on site and safety and efficiency of roads giving access to the site,
  - (d) ability to manage effluent and waste generated as part of the activity."

**Topic : 17.7.2**

Insert a new rule 17.7.2.5A:

17.7.2.5A Restricted Discretionary Activities (Intensive Livestock Farming - Poultry Farming)  
Intensive livestock farming which is poultry farming that does not comply with the conditions of rule 17.7.2.1 is a Restricted Discretionary Activity.

A resource consent is required. Consent may be refused or conditions imposed, only in respect of the following matters to which Council has restricted its discretion:

- (1) Effects on amenity, including:
  - (a) ability to mitigate offensive odour,
  - (b) ability to mitigate visual effects by screening of activities from adjoining roads and sites,
  - (c) adverse effects of the activity in terms of traffic, parking congestion on site and safety and efficiency of roads giving access to the site,
  - (d) ability to manage effluent and waste generated as part of the activity."

**Topic : 17.7.3.1**

Amend proposed condition 17.7.3.1(ga)(i) to include the following words at the end of the sentence:

"(except) and where the activity is an alteration to a dwelling, and the existing setback to the boundary is not thereby reduced."

**Topic : 17.7.3.2**

Amend proposed condition 17.7.3.2(f)(i) to include the following words at the end of the sentence:

"(except) and where the activity is an alteration to a dwelling, and the existing setback to the boundary is not thereby reduced."



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**Change 60: Character and Amenity****Decisions and Reasons****Topic : 17.8.3.1A**

Amend matter of control (2) by replacing the words "productive activities" with the words "plant and animal production activities".

**Topic : 17.8.3.2**

Delete proposed condition 17.8.3.2(e) and revert to the operative condition (e).

**Topic : 18.7.2.1**

1. Amend condition 18.7.2.1(a) to read: "Dwellings or residential activities are set back at least 500 metres from any boundary of a quarry site that has or is likely to create noise, vibration and dust effects, except for a quarry permitted under condition 17.5.2.1(a)(ii), 17.6.2.1(a)(ii) or 17.7.2.1(b)(ii)."
2. Amend matters 18.7.2.1(1), (3) and (4) to delete references to the words "hard rock".

**Topic : 18.7.20**

1. Amend Principal Reasons for Rules 18.7.20 to delete proposed changes which insert the words "hard rock".

**Other Action**

None.

**Reasons**

1. In general terms, the recommendations uphold the principles of minimising conflict between incompatible activities by way of setbacks and provisions that account for the risk of reverse sensitivity.
2. The setbacks for habitable buildings are retained for the reason that then the 'first come, first served' principle and its potential to limit productive opportunity is removed. Benefits include better use of land in the future, improved amenity, reduced conflict for landowners and the community, a reduced number of complaints about cross boundary effects and reduced risk of reverse sensitivity effects. Intensive poultry farming activity is likely to generate adverse effects related to noise, odour, lighting, visual effects of sheds and buildings and the effects of the management of waste and effluent on the amenity of the surrounding area.
3. The reasons for the reduction in setback width from 300m to 170m for intensive livestock farming that is poultry farming, which includes animal body part processing and composting, from all boundaries is that: (i) modern day shed technology in which intensive poultry is usually kept, has reduced the need for such a wide separation distance; and (ii) the setback, which takes account of the 30m setback for all habitable buildings from boundaries, is considered wide enough to mitigate odour from animal body part processing and composting from most of the farms in the district.
4. Habitable buildings located on the same site on which the intensive livestock farm (that is a poultry farm) occurs are generally used by persons associated with the activity.
5. It is accepted that the 500m setback applies to all quarries as forms of quarrying, other than hard rock quarrying, may also generate these effects.
6. The new matter for Controlled subdivision in the Rural Residential zone will enable assessment of reverse sensitivity effects at the time of subdivision in addition to that of building construction.
7. Associated consistency and consequential amendments will improve Plan readability and effectiveness.
8. Consistency will improve Plan readability and effectiveness.
9. The risk of reverse sensitivity to existing plant and animal production activities within the Rural 1 and 2 zones is addressed generally in policy set 7.1.3 which provides for the protection of productive land for plant and animal production purposes.

## Appendix 1 – Persons to be Served with a copy of Notice of Appeal

The Registrar  
Environment Court  
P O Box 5027  
Wellington 6145  
e-mail: [EnvironmentCourt@justice.govt.nz](mailto:EnvironmentCourt@justice.govt.nz)

The Chief Executive  
Tasman District Council  
Private Bag 4  
Richmond 7020  
e-mail: [info@tasman.govt.nz](mailto:info@tasman.govt.nz)

Federated Farmers of NZ (Inc)  
PO Box 715  
Wellington 6140  
e-mail: [kreilly@fedfarm.org.nz](mailto:kreilly@fedfarm.org.nz)

Fulton Hogan Ltd  
C/o Landmark Life Ltd  
P O Box 343  
Nelson  
email: [mark@landmarklife.co.nz](mailto:mark@landmarklife.co.nz)

Horticulture New Zealand  
P O Box 10232  
The Terrace  
Wellington 6143  
email: [angela.halliday@hortnz.co.nz](mailto:angela.halliday@hortnz.co.nz)

NZ Transport Agency  
Private Bag 6995  
Wellington 6141  
e-mail: [reuben.peterson@opus.co.nz](mailto:reuben.peterson@opus.co.nz)

Tony Alley  
Davis Ogilvie & Partners Ltd  
First Floor  
277 Hardy Street  
Nelson 7010  
e-mail: [nelson@do.co.nz](mailto:nelson@do.co.nz)

Boomerang Farm Ltd /Matthew Wratten  
C/o Nigel McFadden  
McFadden McMeeken Phillips  
Solicitors  
187 Bridge Street  
Nelson 7010  
e-mail: [nigel@mmp.co.nz](mailto:nigel@mmp.co.nz)

Rural Contractors (NZ) Inc. (RCNZ)  
C/o Environmental Management Services Ltd  
P O Box 97431  
Manukau  
Auckland 2241

Martin Potter  
Golden Bay Surveyors  
844 East Takaka Rd  
R D 1  
Takaka 7183  
e-mail: [martin@gbsurveyors.co.nz](mailto:martin@gbsurveyors.co.nz)

Ralph Bradley  
463 Wakefield-Kohatu Highway  
R D 1  
Wakefield 7095  
e-mail: [ralphb@clear.net.nz](mailto:ralphb@clear.net.nz)

Lorna Scurr  
9 Boyle Street, Clifton  
R D 1  
Takaka 7183  
e-mail: [lorna.scurr@gmail.com](mailto:lorna.scurr@gmail.com)

William G Wallis  
PO Box 84  
Takaka 7142  
e-mail: [billwallis@braveharp.co.nz](mailto:billwallis@braveharp.co.nz)

Chris Laing  
65 Battery Road  
R D 2  
Takaka 7182  
e-mail: [chrislain@gmail.com](mailto:chrislain@gmail.com)

Joachim Maurer  
65 Battery Road  
R D 2  
Takaka 7182  
e-mail: [joachim.maurer@gmail.com](mailto:joachim.maurer@gmail.com)

Vailima Orchard Ltd  
C/o Jackie McNae  
Staig & Smith NZ Ltd  
PO Box 913  
Nelson 7040  
e-mail: [jackie@staiqsmith.co.nz](mailto:jackie@staiqsmith.co.nz)

Transpower NZ Ltd  
P O Box 10170  
The Terrace  
Wellington 6143  
e-mail: [rhedyn@rmgroup.co.nz](mailto:rhedyn@rmgroup.co.nz)

Rodger Pons  
112A Hart Road  
Richmond 7020  
e-mail: [rotorman@xtra.co.nz](mailto:rotorman@xtra.co.nz)

## Appendix 1 – Persons to be Served with a copy of Notice of Appeal

Aggregate and Quarry Assn of NZ (AQA)  
C/o Environmental Management Services  
P O Box 97431  
Manukau  
Auckland 2241  
e-mail: [graeme.mathieson@emslimited.co.nz](mailto:graeme.mathieson@emslimited.co.nz)

Alan Bensemann  
1675 Motueka Valley Highway  
R D 1  
Motueka 7196  
email: [alanbensemann@slingshot.co.nz](mailto:alanbensemann@slingshot.co.nz)

Wendy Drummond  
P O Box 30  
Collingwood 7073  
e-mail: [shelterbeach@xnet.co.nz](mailto:shelterbeach@xnet.co.nz)

Egg Producers Federation of NZ  
C/o Harrison Grierson  
P O Box 2313  
Wellington 6140  
e-mail: [r.kumar@harrisingrierson.com](mailto:r.kumar@harrisingrierson.com)

Port Tarakohe Services Ltd  
499 Abel Tasman Drive  
Takaka 7183  
e-mail: [danielhames@porttarakohe.nz](mailto:danielhames@porttarakohe.nz)

Hancock Forest Management (NZ) Ltd  
C/o Tony Dwane  
P O Box 1860  
Whangarei 0140  
e-mail: [tdwane@hnrq.com](mailto:tdwane@hnrq.com)

Julia Kelsall  
Bush Road  
R D 1  
Collingwood 7073

Tasman District Council Staff  
Private Bag 4  
Richmond 7050  
e-mail: [info@tasman.govt.nz](mailto:info@tasman.govt.nz)

Nelson Forests Ltd  
Private Bag 5  
Richmond 7050  
e-mail: [heather.arnold@nelsonforests.com](mailto:heather.arnold@nelsonforests.com)

Robert J Butts  
517 Abel Tasman Drive  
Takaka 7183  
e-mail: [bobbutts@xtra.co.nz](mailto:bobbutts@xtra.co.nz)

Cotton & Light Surveyors  
P O Box 3406  
Richmond 7050  
e-mail: [robford@cottonandlight.co.nz](mailto:robford@cottonandlight.co.nz)

Ewing Poultry Ltd / Lloyd Ewing  
C/o McFadden McMeeken  
P O Box 656  
Nelson 7040  
e-mail: [nigel@mmp.co.nz](mailto:nigel@mmp.co.nz)

S M Vincent  
310 Church Valley Road  
R D 1  
Wakefield 7095  
e-mail: [simon.vincent@xtra.co.nz](mailto:simon.vincent@xtra.co.nz)

Iona Jelf  
C/o Shanti Smith  
7 Falconer Road  
Pohara  
Takaka 7183  
e-mail: [jelliesahoy@hotmail.com](mailto:jelliesahoy@hotmail.com)

John Kebbell  
P O Box 219  
Takaka 7142  
e-mail: [johnkebbell@gmail.com](mailto:johnkebbell@gmail.com)

Billy Kerrisk  
C/o Ray White  
Level 1, 11 Buxton Lane  
Nelson 7110  
e-mail: [billy.kerrisk@raywhite.com](mailto:billy.kerrisk@raywhite.com)

Diana C McMahan  
32 Pakawau Bush Road  
Seaford  
Collingwood 7073

New Zealand Defence Force  
C/o Tonkin & Taylor  
P O Box 2083  
Wellington 6140  
e-mail: [rebecca.davies@nzdf.mil.nz](mailto:rebecca.davies@nzdf.mil.nz)



**Appendix 1 – Persons to be Served with a copy of Notice of Appeal**

Ravensdown Fertiliser Co-Operative Ltd  
C/o CHC Ltd  
P O Box 51-282  
Tawa  
Wellington 5249  
e-mail: [chris@rmaexpert.co.nz](mailto:chris@rmaexpert.co.nz)

St Leger Group  
C/o Landmark Life Ltd  
P O Box 343  
Nelson 7040  
e-mail: [mark@landmarklife.co.nz](mailto:mark@landmarklife.co.nz)

## **Note to Appellant**

You may appeal only if-

- You referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- In the case of a decision relating to a proposed policy statement or plan (as opposed to variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

The Environment Court, when hearing an appeal relating to a matter included in a document under Section 55(2B), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003.

You must serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, 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).

## **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.

To become a party to the appeal, you must,-

- Within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- Within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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**

Copies of the Annexures to this appeal may be obtained on request to the Appellant at the Appellants above address for service.

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,-

- Within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- Within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

\*Delete if these documents are attached to copies of the notice of appeal served on other persons.

### **Advice**

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

