

COPY

IN THE ENVIRONMENT COURT
AT WELLINGTON

ENV-2017-WLG-

IN THE MATTER of AN APPEAL PURSUANT TO CLAUSE 14 OF THE FIRST
SCHEDULE TO THE RESOURCE MNGEMENT ACT 1991

BETWEEN NAVILLUSO HOLDINGS LIMITED, TUMU TIMBERS LIMITED,
CARRFIELDS INVESTMENTS LIMITED AND MIKE
WALMSLEY LIMITED

Appellants

AND HASTINGS DISTRICT COUNCIL

Respondent

NOTICE OF APPEAL



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Counsel: Matthew Lawson

To The Registrar
Environment Court
Wellington

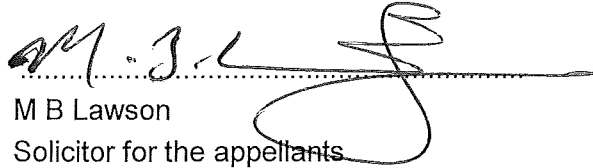
1. Navilluso Holdings Limited, Tumu Timbers Limited, Carrfields Investments Limited and Mike Walmsley Ltd (The Appellants) appeal against part of the decision of the Hastings District Council on Variation 2 to the Hastings District Plan.
2. The Appellants made submissions and further submissions on variation 2 to the Hastings District Plan.
3. The Appellants are not trade competitors for the purposes of Section 308D of the Resource Management Act 1991.
4. The Appellants received notice of the decision on 27 March 2017.
5. The decision was made by the Hastings District Council.
6. The parts of the Respondent's decision that the Appellant's are appealing are:
 - (a) Issue 2 relating to the efficient and effective servicing of the Irongate Industrial Area.
 - (b) Issue 3 relating to the minimum Lot size for the general Industrial Zone (Irongate Area).
 - (c) Issue 4 relating to Rule GI5 – sale or hire of machinery and in particular in reference to the sites in the Irongate Industrial Area identified in Appendix 36A.
 - (i) Issue 5 relating to the general performance standards and terms and in particular the maximum allowable height of buildings being 15 metres as opposed to 30 metres.
 - (ii) The rejection of the submission requesting that the removal of the requirement for a 10 metre front yard setback.

- (iii) The rejection of the submission requesting the removal of landscaping requirements.
 - (iv) The requirement to plant all boundaries adjacent to the Plains Zone and boundaries adjacent to section 17 SO438108 (HB131/166) with a shelter belt of specified breed, height, proximity to boundary and other requirements in Rule 14.1.6A.
- (d) Issue 6 relating to Rule PP34 of the Plains Production Zone and the requirement for residential activities to be more than 50 metres from an Industrial Zone.
 - (e) Issue 7 relating to the requirement for vehicle access separation of 100 metres on Maraekakaho road.
 - (f) Issue 9 relating to recognition of established infrastructure and lawfully established activities within the zone.
7. The reasons for the appeal are as follows:
- (a) While the rezoning of the Irongate Industrial zone is supported, the amendments sought by way of this appeal are necessary to allow better sustainable management of natural and physical resources.
 - (b) The changes sought better integrate existing development into the district Plan provisions.
 - (c) The changes sought provide for the more efficient use of resources.
8. The Appellants seek the following relief:
- (a) Issue 2: That proper consideration be given to the efficient and effective servicing of the Irongate Industrial Area.
 - (b) Issue 3: That the minimum Lot size for the Irongate Industrial Zone (Irongate Area) be 5000m².

- (c) Issue 4 relating to Rule GI5 – sale or hire of machinery should apply generally within the Irongate Industrial Zone not just those identified in Appendix 36A.
- (d) Issue 5: General Performance Standards
 - (i) That the maximum allowable height of buildings in the Irongate Industrial Zone is increased to 30 metres.
 - (ii) The removal of the requirement for a 10 metre front yard setback.
 - (iii) The removal of the requirement for landscaping on front boundaries.
 - (iv) The removal of the requirement to plant all boundaries adjacent to the Plains Zone and boundaries adjacent to section 17 SO438108 (HB131/166) with a shelter belt of specified breed, height, proximity to boundary.
- (e) Issue 6: Removal of the requirement for residential activities to be more than 50 metres from an Industrial Zone.
- (f) Issue 7: removal of the requirement for vehicle access separation of 100 metres on Maraekakaho road.
- (g) Issue 9: Recognition of established infrastructure and lawfully established activities within the zone.

9. I attach the following documents to this notice:

- (a) a copy of the submitter's submissions and further submissions.
- (b) a copy of the relevant decision.
- (c) a list of names and addresses of persons to be served with a copy of this notice.


 M B Lawson
 Solicitor for the appellants

9/5/17.
 Date

Address for service of Lawson Robinson Limited, 73 Raffles Street, Napier 4110
 appellant: (P O Box 45 Napier 4140)
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 Contact person: Matthew Lawson

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 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 appellant's submission and (or or) the decision (or part of the decision) appealed. These documents may be obtained, on request, from the appellant.

* 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 Unit of the Department for Courts in Auckland, Wellington, or Christchurch.