

**In the Environment Court
at Auckland**

**I Te Kōti Taiao o Aotearoa
Ki Tāmaki Makaurau**

ENV-2024-AKL-

In the matter

of an appeal under clause 14(1) of
Schedule 1 of the Resource
Management Act 1991

Between

Bay Planning Limited

Appellant

And

Hastings District Council

Respondent

**Notice of appeal by Bay Planning Limited against decision on
Proposed Plan Change 5**

18 December 2024

Solicitor acting: Lara Blomfield
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To The Registrar
Environment Court
AUCKLAND

1 Bay Planning Limited (**Bay Planning**) appeals part of a decision of the Hastings District Council on Proposed Plan Change 5 to the Operative Hastings District Plan.

2 Bay Planning made a submission on Proposed Plan Change 5 (copy attached at Appendix A), identified by Hastings District Council as Submission Number 007.

3 Bay Planning is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

4 Bay Planning received notice of the decision on 13 November 2024.

5 The decision was made by Hastings District Council.

6 The particular parts of the decision that Bay Planning is appealing are:

6.1 Paragraphs 63-65 of the Hearings Committee Report and Recommendations for Decisions on Submissions.

6.2 The compulsory public notification provision in Rule GR28 (Hastings Residential Environment Chapter), Rule HNGR30 (Havelock North Residential Environment chapter), Rule FR28 (Flaxmere Residential Zone chapter) and Rule SLD25 (Subdivision and Land Development chapter).

7 The reasons for the appeal are that the Decision:

7.1 Does not promote the sustainable management of natural and physical resources and is contrary to Part 2 and other provisions of the RMA.

7.2 Does not enable people and communities in Hastings District to provide for their social and economic wellbeing.

- 7.3 Is not the most appropriate method, nor is it necessary to ensure the objectives and policies of Plan Change 5 are achieved.
- 7.4 Gave no good reason why it would be inappropriate to rely on sections 95 and 95A-95E to determine notification requirements.
- 7.5 Will not necessarily result in better environmental outcomes.
- 7.6 Will impose unnecessary and unjustified costs for development proposals which, under ordinary circumstances, would be limited notified or non-notified because the effects are assessed under sections 95 and 95A-95E as minor or less than minor.
- 7.7 May result in existing (or amalgamated) large sites within the General Residential Zones that are located close to commercial and community amenities not being developed as efficiently as they might because of the additional public notification costs.
- 7.8 Is not efficient, effective or necessary when the rule framework already provides a more onerous consenting pathway for medium density developments in the General Residential Zones when compared to similar developments in the Medium Residential Zone.¹

Relief sought

- 8 Bay Planning seeks the following relief:
- 8.1 The deletion of the compulsory public notification provision from Rule GR28 (Hastings Residential Environment Chapter), Rule HNGR30 (Havelock North Residential Environment chapter), Rule FR28 (Flaxmere Residential Zone chapter) and Rule SLD25 (Subdivision and Land Development chapter).

¹ Many such developments are a restricted discretionary activities and the relevant rules preclude public or limited notification.

8.2 Consequential relief as may be required to give effect to the relief sought in the preceding paragraphs.

9 The following documents are **attached** to this notice:


9.1 A copy of Bay Planning's submission on Plan Change 5 (**Attachment A**)²;

9.2 A copy of the relevant decision (**Attachment B**)³; and

9.3 A list of the names and addresses of persons served with a copy of this notice (**Attachment C**).

Copies of Attachments A and Appendix B are not served on persons other than Hastings District Council but may be obtained on request from the appellant, or are available on the Hastings District Council website at the links below.

18 December 2024



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Counsel for Bay Planning Ltd

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email: lara.blomfield@icloud.com
Contact person: Lara Blomfield

² <https://www.hastingsdc.govt.nz/assets/Document-Library/Plans/Plan-Change-5-submissions/Further-submissions/6.-Full-Submissions-reopened-S-Z.pdf> at page 41 of the pdf

³ <https://www.hastingsdc.govt.nz/assets/Documents/Plan-Change-5/1.-Report-Recommendations.pdf>

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 Act.

You may apply to the Environment Court under section 281 of the Act 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 have attached 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.

Advice

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

Attachment A – Submission on Proposed Plan Change 5

Attachment B – Hearing Panel’s Decision on Submissions

**Attachment C - Names and addresses of persons served with a copy of this
Notice of Appeal**

Hastings District Council email: policyteam@hdc.govt.nz	David Allen email: davidallennz@icloud.com
Regan Barber email: reganbarber80@gmail.com	Brian Wilkinson email: b.wilkinson@xtra.co.nz
Russell Black email: russ.nett@xtra.co.nz	Georgina Campbell email: georgec@nowmail.co.nz
Samantha Campbell email: samantha-campbell@hotmail.com	Elizabeth Carr email: epcarr@xtra.co.nz
David Cowman email: dave.cowman@gmail.com	Jeanette Cowman email: jamcowman@gmail.com
Karyn Craft email: office@tag.co.nz	Ross Culver email: rmproductions@xtra.co.nz
Andrea Elgie email: andreagriffiths@xtra.co.nz	Alison Foy email: foy.stratford@xtra.co.nz
Bronwyn Gardner email: brongardnernz@gmail.com	Cherie Hames email: cherie.mark@xtra.co.nz
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