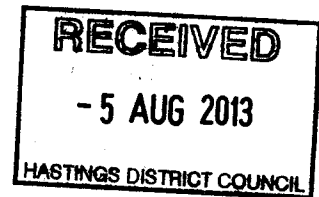




lawson robinson

BARRISTERS + SOLICITORS

1 August 2013



Hastings District Council
Private Bag 9002
Hastings 4136

Attention: Planning Manager

Dear Sir

APPEAL PLAN CHANGE 57 AND NOR

We **enclose** by way of service an appeal on behalf of Hustler Equipment Limited and Currie Family interests.

We have not included the copy of the Council decision in respect of Plan Change 57, the Council decision in respect of the designation or the list of parties served as you will clearly already have copies of these. Please advise if that creates any issue for you.

Yours faithfully

LAWSON ROBINSON LIMITED

Matthew Lawson
Director

Email mlawson@lawsonrobinson.co.nz
Direct dial 06 833 5020

AJ-121178-1-30-V1:AJ

Lawson Robinson Limited
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**IN THE ENVIRONMENT COURT
AT WELLINGTON**

ENV-

UNDER THE RESOURCE MANAGEMENT ACT 1991

IN THE MATTER Of Plan Change 57 to the Operative Hastings District Plan

AND

IN THE MATTER An appeal pursuant to clause 14 of the First Schedule to the Resource Management Act 1991

AND

IN THE MATTER Of a Notice of Requirement by Hastings District Council for a Designation

AND

IN THE MATTER Of an Appeal Pursuant to Section 174 of the Resource Management Act 1991

BETWEEN James Robert Currie & Valerie Kathryn Currie, Stephen Henry Currie & Denise Marjorie Currie And Hustler Equipment Limited

Appellant

A N D

HASTINGS DISTRICT COUNCIL

Defendant

NOTICE OF APPEAL

TO: The Registrar
Environment Court
Wellington

We, **JAMES ROBERT CURRIE, VALERIE KATHRYN CURRIE, STEPHEN HENRY CURRIE** and **DENISE MARJORIE CURRIE** appeal a decisions of the Hastings District Council on the following matters:-

1. The decisions by the Hastings District Council in respect of:
 - (a) Council initiated Plan Change 57 to the Hastings District Plan.
 - (b) The decision to confirm a notice of requirement given by Hastings District Council as requiring authority to Hastings District Council for the development of an infrastructure corridor and three stormwater in filtration areas for the proposed Omaha North Industrial Zoning.
2. We received notice of this decision on Plan Change 57 on 4 July 2013 and notice of the decision on the Requirement on 15 July 2013.
3. We are not trade competitors for the purposes of Section 308D of the Resource Management Act 1991.
4. The parts of the decision that we are appealing are:
 - (a) the decision of the Hastings District Council rejecting our submission requesting to have the entire site comprising 3.5547 hectares at 18 Jarvis Road rezoned to industrial zoning:-
 - (b) Failing to consider and make full provision for the allocation and incidence of costs of servicing the rezoned land as part of the proposed plan provisions.
 - (c) Rejecting the request to relocate the designation for the proposed services corridor so that it does not bisect the land at 18 Jarvis Road and instead follows the site boundaries to the rear of the property.

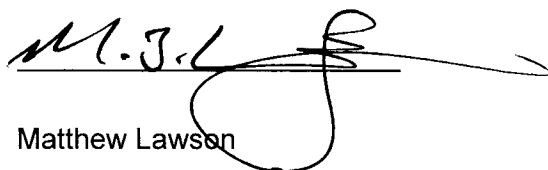
5. The reasons for the appeal are as follows:-

- (a) The site at 18 Jarvis Road comprises 3.5547 hectares. The proposed services corridor bisects the site. The effect of this bisection is that the site becomes difficult to use for any proposed industrial activity and results in a small portion (approximately 0.8 hectares) that would be on the northern side of the services corridor and would remain with the Plains zone.
- (b) The proposed designation for the services corridor does not allow for an efficient use of the site and therefore does not promote the purpose of sustainable management of natural and physical resources as required by Section 5 and Part 2 of the Resource Management Act 1991.
- (c) No or inadequate consideration has been given to the benefits and costs of Plan Change 57 and the proposed designations.
- (d) The proposed designation has not been properly initiated or considered in accordance with the Resource Management Act 1991.
- (e) The proposed designation and associated HB Regional Council Resource Consent has limited a proper consideration of options both for the designation and Plan Change 57.

6. We seek the following relief:-

- (a) That the entire site comprising 3.5547 hectares more or less at 18 Jarvis Road be rezoned for industrial purposes.
- (b) That associated with the rezoning is the relocation of the proposed services corridor (swale drain) to run along the rear site boundary at 18 Jarvis Road and elsewhere as appropriate.
- (c) That the proposed plan change make full provision for the allocation and incidence of costs of servicing the rezoned land as part of the plan provisions and as required by Section 32 of the Resource Management Act 1991.

7. We attach a copy of the following documents to this document:-
- (a) A copy of the decision of Hastings District Council on Plan Change 57 dated Thursday 27 June 2013.
 - (b) A copy of the decision of Hastings District Council on the Notice of Requirement dated Thursday 27 June 2013.
 - (c) A list of the names and addresses of persons to be served.



Matthew Lawson

Solicitor for the Appellants

Dated: 30 July 2013

Address for service of appellant:

Lawson Robinson Limited, 73 Raffles Street, Napier 4110, P O Box 45, Napier 4140

Telephone: 06 833-5012

Fax: 06 833-5014

Email: mlawson@lawsonrobinson.co.nz

Contact Person: Matthew Bruce Lawson

NOTE TO APPELLANT

You may use this form for any appeal for which you cannot identify a prescribed form. You must lodge the original and 1 copy of this notice with the Environment Court. 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.

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

ADVICE TO RECIPIENTS OF COPY OF NOTICE OF APPEAL

How to become a party to proceedings

If you wish to be a party to the appeal, you must lodge a notice in form 33 with the Environment Court within 15 working days after the period for lodging a notice of appeal ends.

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).

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.

Advice

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