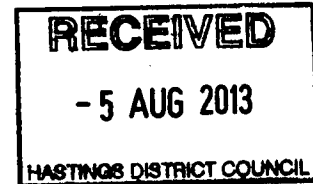




lawson robinson

PLANNING CONSULTANTS

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 Kevin Bayley and his associated parties.

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-103513-3-14-V1:AJ

**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 Kevin Archie Bayley & Karen Bayley, Bayley Family Trust, Rimu Hastings Limited and Totara Hastings Limited

Appellant

A N D HASTINGS DISTRICT COUNCIL

Defendant

(Continued next page)

NOTICE OF APPEAL



Telephone: 06 833 5012
Facsimile: 06 833 5014
PO Box 45 Napier 4140

Counsel: Matthew Lawson

TO: The Registrar
Environment Court
Wellington

We, **KEVIN ARCHIE BAYLEY, KAREN BAYLEY, BAYLEY FAMILY TRUST, RIMU HASTINGS LIMITED and TOTARA HASTINGS LIMITED** appeal a decision of the Hastings District Council on the following matter:-

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 infiltration areas for the proposed Omaha North Industrial Zoning.
2. We received notice of the decision on Plan Change 57 on 4 July 2013. We received notice of the decision on the Notice of 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 that the land to be rezoned for industrial purposes should include all of the land along Omaha Road of lower value for horticultural purposes.
 - (b) The decision to reject the submissions made by the Appellants in respect of the designation.
 - (c) The decision to reject the submission that where possible the industrial zoning should avoid the zone bisecting and severing titles so as to allow for optimal and efficient use of the sites.

- (d) The decision to reject the submission that, in cases where sites are severed or subjected to both industrial and plains zoning, make provision in Plan Change 57 to allow for an efficient and effective means of rationalising titles and sites. This should include the ability to develop land within the industrial zoned areas notwithstanding the fact that the plains zone component of sites would be less than the minimum lot size for the plain zone as a controlled activity.
- (e) The decision to reject the submission that boundary adjustments and amalgamations of plain zoned areas so as to rationalise balanced land areas should be provided for as a controlled activity.
- (f) The decision to reject the submission that Plan Change 57 makes no reference to servicing of the newly zoned industrial land and the allocation of costs. There is no information in Plan Change 57 relating to these issues.
- (g) That the respondent has failed to properly carry out an assessment of the benefits and costs of policies, rules or other methods as required by section 32 of the Resource Management Act.

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

- (a) The Respondent has failed to properly consider the matters raised in the Appellants submissions.
- (b) That the Respondent has failed to consider the best utilisation of soils of lesser horticultural value for industrial purposes.
- (c) The Respondents decision does not promote sustainable management of natural and physical resources and does not allow for optimal utilisation of those resources for the best use.
- (d) Provision should be made to clarify and streamline consenting processes and allow for rationalisation of titles to accommodate the rezoning.

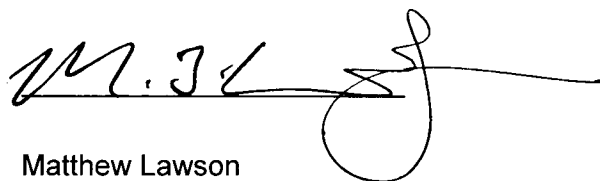
- (e) Proper provision should be made for the consideration of the appropriate means and cost of servicing any new development.
- (f) There are other methods that are or maybe more appropriate for achieving the objectives, rules or methods, particularly in relation to the servicing of the sites for industrial purposes.
- (g) The decisions do not promote sustainable management of natural and physical resources and is contrary to Part 2 of the Act.

6. We seek the following relief:-

- (a) That the proposed Plan Change area to be rezoned to industrial be extended so as to rezone all of the land that was of lower horticultural value with a minimum depth of 130 metres from Omahu Road from plains zone to industrial zone so as to include the entire areas of poorer soils.
- (b) That the services corridor be relocated so as to correspond to the interface between the land of poorer horticultural value and the land of good horticultural value.
- (c) That the bisection of sites by the services corridor (swale drains) should be avoided as far as practicable.
- (d) That where possible the zone boundary should be changed to correspond with title boundaries.
- (e) That the infiltration areas should be part of the industrial zoned areas.
- (f) That provisions be included to allow for the efficient rationalisation of balance of plains zoned areas by allowing such areas to be amalgamated and/or put in to separate certificates of title as controlled activities.
- (g) That the proposed plan change make full provision for the allocation and incidence of costs of servicing the rezoned land

and consider alternative methodologies of servicing as part of the proposed plan provisions.

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 Proposed Notice of Requirement dated Thursday 27 June 2013.
 - (c) A list of the names and addresses of persons to be served.

A handwritten signature in black ink, appearing to read 'M. J. Lawson', with a large, stylized flourish extending to the right.

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.