

**BEFORE THE ENVIRONMENT COURT**

**ENV**

**IN THE MATTER**

of the Resource  
Management Act 1991

**AND**

**IN THE MATTER**

of an appeal under Clause  
14(1) of First Schedule to  
the Act

**BETWEEN**

PETER FENWICKE, LYN  
WILLIAMS, STEVE  
STUART, SUE  
KINSFORD, REBVECCA  
TURNER, RON ROBBIE,  
NAN MACDONALD,  
ANNE STUART

**Appellant**

**AND**

HAWKES BAY  
REGIONAL COUNCIL

**Respondent**

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**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST  
DECISION ON PROPOSED POLICY STATEMENT OR PLAN  
UNDER CL 14.1, FIRST SCHEDULE**

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## NOTICE OF APPEAL

**To:** The Registrar  
Environment Court  
PO Box 5027  
Lambton Quay  
Wellington

**Name and address of appellant:**

PETER FENWICKE, LYN WILLIAMS, STEVE STUART, SUE  
KINSFORD, REBECCA TURNER, RON ROBBIE, NAN  
MACDONALD, ANNE STUART  
C/- Langley Twigg

**This appeal is against part of a decision by Hawkes Bay Regional Council on:**

Proposed Regional coastal Environment Plan and Plan Change 1 to  
Regional Resource Management Plan.

The appellant is a person who made a submission on that plan.

**Notice of the decision was received on 23 July 2008.**

**The part of the decision that this appeal concerns is:**

Decisions 1402 and 1472

**The reasons for the appeal are as follows:**

- The decision does not promote the purpose of the Resource Management Act
- The decision fails to take into account the non-specific nature of the Tonkin and Taylor Report in relation to Mahanga
- The decision fails to take into account the report undertaken by Jeremy Gibb (Gibb J (2002) Coastal Hazard Zone assessment for Mahanga Beach, Wairoa District and Coastal Management Consultancy Limited (May 2008) Revised Coastal Hazard Risk Assessment for the Pukenui Drive Area, Mahanga Beach, Wairoa District
- The decision is not the most appropriate means of assisting the Hawkes Bay Regional Council to fulfil its functions and responsibilities under the Resource Management Act
- Maintaining an extended Coastal Hazard zone in Mahanga is an inefficient use of natural and physical resources

**The appellant seeks the following relief from the Court:**

Grant the relief sought by the Appellant in its submissions, and any consequential relief.

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Alison McEwan on behalf of PETER FENWICKE, LYN WILLIAMS,  
STEVE STUART, SUE KINSFORD, REBECCA TURNER, RON  
ROBBIE, NAN MACDONALD, ANNE STUART

Date: 29 August 2008

Langley Twigg

PO Box 446

Napier

Telephone: 0606 8353712

Contact person: Alison McEwan

The following documents are attached to this notice:

- (a) a copy of the submission;
- (b) a copy of the relevant part of the decision;
- (c) any other documents necessary for an adequate understanding of the appeal;
- (d) a list of names and addresses of persons to be served with a copy of this notice.

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