

SAINSBURY
LOGAN &
WILLIAMS
LAWYERS SINCE 1875

29 August 2008

Environment Court
PO Box 5027
WELLINGTON

FAXED

And by fax: 04 918 8408

**APPEAL IN RESPECT OF DECISIONS ON SUBMISSIONS TO THE PROPOSED
REGIONAL AND COASTAL ENVIRONMENT PLAN IN HAWKES BAY
HILL COUNTRY CORPORATION LTD v. HAWKES BAY REGIONAL COUNCIL**

- 1 Please find **enclosed** notice of appeal by Hill Country Corporation Limited in respect of the Hawkes Bay Regional Council's Proposed Regional Coastal Environment Plan decision.
- 2 Our cheque for \$55 by way of filing fee.
- 3 We have contemporaneously with the filing of this appeal also delivered it by way of fax and ordinary mail to the respondent Council and to the Ministry of Conservation's office.
- 4 Service on the effected submitter parties as listed will be undertaken within the prescribed period.

Yours faithfully

Magnus Macfarlane
Partner

Email mem@slw.co.nz

cc (By way of service)
Hawkes Bay Regional Council
Private Bag 6006
NAPIER
And by fax: 835 3601

Ministry for the Environment
PO Box 10362
WELLINGTON
And by fax: 04 439 7700

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**Before the Environment Court
at Wellington**

ENV-2008-WLG

In the matter of an appeal in respect of decisions on
submissions to the Proposed Regional
and Coastal Environment Plan in
Hawkes Bay

And

Between **Hill Country Corporation Limited**
of Hastings

Appellant

And

Hawkes Bay Regional Council

Respondent

**Notice of appeal to Environment Court against decision on proposed
policy statement or plan**

29 August 2008

Sainsbury Logan & Williams
Solicitors
Cnr Tennyson Street & Cathedral Lane
Napier
PO Box 41
DX MP70039
Phone: 06 835 3069
Fax: 06 835 6746
Ref: Magnus Macfarlane
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To: The Registrar
Environment Court
WELLINGTON

1 Hill Country Corporation Limited (“**HCCL**”) appeals against decisions
of the Hawkes Bay Regional Council on the said plan.

2 HCCL made submissions on that plan.

3 HCCL received notice of the decisions on or about 21 July 2008.

4 The decisions were made by the Hawkes Bay Regional Council.

5 The parts of the decisions that HCCL is appealing are as follows:

5.1. Decision 830 (in respect of which HCCL’s appeal concerns the
appropriate wording of Rule 135 – Rules for disturbances,
depositions and extractions in CMA).

5.2. Decision 907 (in respect of which HCCL’s appeal concerns the
appropriate wording for Rule 101 “Structures in the CMA”).

5.3. Decision 1380 (in respect of which HCCL’s appeal concerns
the appropriate boundaries of the Coastal Hazard Zones at
Ocean Beach – Coastal Hazard Zone Locations, and extends
from beaches south of Cape Kidnappers).

5.4. Decision 1546 (in respect of which HCCL’s appeal concerns
the appropriate wording for Coastal Hazard Rules Topic 5
Minor Structures).

6 The reasons for the appeal are as follows:

7 The respondent should have allowed the submissions by HCCL in full.

8 HCCL seeks the following relief:

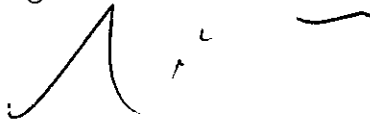
8.1. The allowance in full of HCCL's submissions in respect of the wording of the Rules, and in the case of decision 1380 allowing its submission to the extent only, in direction as far north as the decision of the respondent itself so requires, so that the Coastal Hazard Zones proposed by HCCL, where closer to the sea than those in the decision, are adopted.

9 HCCL attaches the following documents to this notice:

9.1. A list of names and addresses of persons to be served with a copy of this notice.

Copies of the relevant parts of the decision and of HCCL's submission may be obtained on request from HCCL.

29 August 2008



Magnus Macfarlane
Counsel for the appellant

The address for service of the appellant is at the offices of its solicitor Magnus Edwin James Macfarlane, Sainsbury Logan & Williams, 61 Tennyson Street, Napier. Documents may be served upon the appellant at that address or by way of PO Box 41, Napier and by fax 06 835 6746.

Advice to recipients to copy of notice of appeal

How to become a party to proceedings

You may be a party to the appeal if you made a submission on the matter of this appeal and 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 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 Wellington.

List of names and addresses:

Diane Charteris, 20 Upham Crescent, Taradale, Napier

Dr John White, 23 Atyeo Close, Burnham on Sea, Somerset, TA8 2EJ, England

Ngati Kahungunu Iwi Inc., C/- Mauri Protection Agency, PO Box 516,
Hastings, Attention: Morry Black