

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND REGISTRY**

ENV 2016 AKL-[]

IN THE MATTER of an appeal pursuant to Schedule 1,
Clause 14(1) of the Resource
Management Act 1991

BETWEEN **Bluehaven Management Limited**, a
registered New Zealand Company,

Appellants

AND **Western Bay of Plenty District Council**,
as Territorial Authority,

Respondent

**NOTICE OF APPEAL ON BEHALF OF BLUEHAVEN MANAGEMENT
LIMITED AGAINST DECISION ON PROPOSED PLAN CHANGE 72**

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TO: The Registrar
Environment Court
AUCKLAND

1. Bluehaven Management Ltd ("**Bluehaven**") appeals against part of the decision of the Western Bay of Plenty District Council ("the Council") on Proposed Plan Change 72 Rangiuru Business Park (PC 72).
2. The Appellants made a submission on PC 72.
3. The Appellant is not a trade competitor for the purposes of Section 308D of the Resource Management Act 1991.
4. The Appellants received formal notice of the decision on 16 May 2016 ("the Decision").
5. The Decision was made by Western Bay District Council.
 - a. The parts of the decision that this appeal relates to are:
 - i. Chapter 7 – Community Service Areas (Issues 1 & 2)
 - ii. Chapter 8 – Community Services Area (Issue 3)
6. The reason for this Appeal and relief sought are as follows:

REASONS AND SCOPE OF APPEAL:

COMMUNITY SERVICE AREAS

- a. The Proposed Community Service Area rules will enable ad-hoc commercial retail and office development that is not appropriate in this industrial park location.
- b. The District Plan and Industrial Zone has no objectives and policies for the Rangiuru Business Park that support the proposed amendments. The Section 32 Report contains insufficient assessment and evaluation of relevant issues, including economic effects.
- c. The proposal is inconsistent with the subregional commercial strategy which promotes a hierarchy of identifiable centres with clearly defined functions, as set out in the Tauranga City and Western Bay of Plenty Retail and Commercial Strategy and in the WBOP District Plan Commercial chapter issues, objectives and policies.
- d. The PC 72 provisions have poor alignment with the Retail and Commercial Strategy and District Plan objectives and policies.

Any changes to Rangiuru Business Park should await the outcome of the SmartGrowth Eastern Corridor study to ensure an integrated approach is taken. This study is likely to lead to changes being made to the plan provisions for commercial and industrial zones for both Tauranga and Western Bay.

- e. The decision states it is limited to considering submissions only to the amendments sought by PC 72, overlooking the impact the changes have to the purpose and policy intent of Rangiuru Business Park as a whole.

7. Relief Sought:

- a. Reject the proposed amendments.
- b. Include appropriate objectives and policies that identify the purpose and nature of local commercial activities and Community Service Areas at Rangiuru Business Park.
- c. If two identified local centres are to be provided for at Rangiuru Business Park, impose rules and locational restrictions to ensure they are of a small scale and type that will provide only the required convenience services for the Business Park workforce.
- d. Include a specific rule to limit GFA of each individual activity and require a cap for convenience retail and office activities to a maximum of 500m² for each Community Service Area

8. Annexures

The following documents are attached to this Notice of Appeal:

- a. A copy of Bluehaven Management Ltd submission (Appendix A);
- b. A copy of the relevant parts of the Decision (Appendix B);
- c. A list of names and addresses of persons to be served with a copy of this notice (Appendix C).

DATED

20 June

2016

K Barry-Piceno, Counsel
On Behalf of Bluehaven Management Ltd



ADDRESS FOR SERVICE:

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APPENDIX A

Copy of Bluehaven's submission

APPENDIX B

Copy of the Relevant Parts of the Council Decision

APPENDIX C

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 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 Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see* form 38).