

LAWYERS

8 August 2012

The Chief Executive Nelson City Council PO Box 645 NELSON 7040

By Fax: 546 0239

## PETER JOHN HAMILTON, ANDREA JULIET HAMILTON and CHRISTOPHER HARDIMAN V NELSON CITY COUNCIL - PLAN CHANGE 18

We act for Peter Hamilton, Andrea Hamilton and Chris Hardiman, the owners of property at 25 Hill Street, Richmond.

We have received instructions to lodge a Notice of Appeal against decisions made by the Council in relation to Plan Change 18 to the Nelson Resource Management Plan.

Accordingly please find **enclosed** a copy of the Notice of Appeal which has now been filed with the Environment Court.

Yours faithfully
McFADDEN McMEEKEN PHILLIPS

Victoria Hall Partner

Victoria@mmp.co.nz

#### IN THE ENVIRONMENT COURT

ENV-2012-WLG-

IN THE MATTER OF

an Appeal under Clause 14(1) of

the First Schedule to the Resource Management Act 1991

BETWEEN

PETER JOHN HAMILTON, ANDREA JULIET HAMILTON and CHRISTOPHER HARDIMAN

<u>Appellants</u>

AND

**NELSON CITY COUNCIL** 

Respondent

## NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON PLAN CHANGE 18 TO NELSON RESOURCE MANAGEMENT PLAN

Clause 14(1) of Schedule 1, Resource Management Act 1991

McFADDEN McMEEKEN PHILLIPS SOLICITORS PO BOX 656 DX WC70016 NELSON

PH: (03) 548 2154 FAX: (03) 548 2157

Person Acting: V J Hall

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To: The Registrar

Environment Court

WELLINGTON

- 1 PETER JOHN HAMILTON, ANDREA JULIET HAMILTON and CHRISTOPHER HARDIMAN appeal against a decision of the Nelson City Council on Plan Change 18 (Nelson South) to the Nelson Resource Management Plan.
- 2 PETER JOHN HAMILTON, ANDREA JULIET HAMILTON and CHRISTOPHER HARDIMAN made a submission on that Plan Change.
- The decision is dated the 30<sup>th</sup> June 2012 and was received by the Appellants' on or about the 1<sup>st</sup> July 2012.
- The decisions were made by five Hearing Commissioners on behalf of the Nelson City Council.
- 5 The part of the decision appealed against is as follows:

#### 5,1 <u>Topic 2 – Esplanade Reserve Width</u>

- 1. Plan Change 18 introduced a new Rule in relation to Saxton Creek (from the south eastern boundary of Saxton Field Recreation Reserve to Champion Road) requiring that a 20 metre esplanade reserve be taken on both banks of Saxton Creek except where adjoining land already has subdivision approval for a different esplanade reserve and where Saxton Creek adjoins the right of ways to 3A, 3B, 3C and 3D Hill Street respectively a 5 metre esplanade reserve width was to apply to the river bank on the right of way side.
- The Appellants own land at 25 Hill Street, Richmond, Nelson adjoining Saxton Creek. The Appellants opposed the requirement that a 20 metre esplanade reserve be taken along Saxton Creek upon any subdivision being undertaken of adjoining land.
- 4. The decision of the Hearing Commissioners was to retain the requirement that a 20 metre esplanade reserve be taken adjoining Saxton Creek on the Appellants' property and reject the submissions made by the Appellants.

5. The Appellants oppose the requirement that a 20 metre esplanade reserve be taken adjoining Saxton Creek on the Appellants' property on the basis that the width of the proposed esplanade reserve was both excessive and unnecessary and would not be an efficient use of the land resource.

#### 5.2 Relief Sought

Reduce the width of the required Esplanade Reserve along side Saxton Creek adjoining the Appellants' property from 20 metres to 5 metres.

- 6 The Appellants' seek the following relief:
  - (a) The relief set out herein and any consequential amendments to Plan Change 18 as may be required to provide for the relief herein.
  - (d) The costs of this appeal.
  - (e) Such further or other relief that the Environment Court deems just.
- 7 The following documents are attached to this notice:
  - (a) A copy of the Appellants' submission;
  - (b) A copy of the relevant decision;
  - (c) A list of names and addresses of persons to be served with a copy of this notice.

# PETER JOHN HAMILTON, ANDREA JULIET HAMILTON and CHRISTOPHER HARDIMAN

By their solicitors and duly authorised agents

McFadden McMeeken Phillips

Per:

**V J HALL** 

Dated

day of

August

2012

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Address for service of appellant:-

At the offices of McFadden McMeeken Phillips, Solicitors, PO Box 656, Nelson

Telephone:

03 - 548 2154

Fax:

03 – 548 2157

Email:

Victoria@mmp.co.nz

Contact person:

Victoria Hall

#### 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 15 working days after this notice was lodged with the Environment Court. You may apply to the Environment Court under s 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 (or the decision (or 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.

#### Contact details of Environment Court for lodging documents

Documents may be lodged with the Environment Court by lodging them with the Registrar

#### The Auckland address of the Environment Court is:

8th Floor, District Court Building

3 Kingston Street

Auckland

Its postal address is:

PO Box 7147

Wellesley Street

Auckland

And its telephone and fax numbers are:

Telephone:

(09) 916 9091

Fax:

(09) 916 9090

#### The Wellington address of the Environment Court is:

The District Court Building

43-49 Balance Street

Wellington

Its postal address is:

PO Box 5027

Lambton Quay

Wellington

And its telephone and fax numbers are:

Telephone:

(04) 918 8300

Fax:

(04) 918 8303

The Christchurch address of the Environment Court is:

83 Armagh Street (Corner Durham Street)

Christchurch

Its postal address is:

PO Box 2069

Christchurch

And its telephone and fax numbers are:

Telephone:

(03) 962 4170

Fax:

(03) 962 4171

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Names and Addresses of Persons to be Served with a Copy of the Notice of Appeal:

The Chief Executive Officer Nelson City Council PO Box 645 NELSON 7040

As per attached List of Submitters.

### **Address for Service of Submitters**

Plan Change 18 (Nelson South)

1 Takina Te Taiso Limited	Sub No	Submitter Name	Submitter Address
PO Box 13 Nelson 7040  2 New Zealand Fire Service Commission Paul S Winter Commission Co	1		
Nelson 7040 Commission Paul S Winter Commission Commission Paul S Winter Commission Paul S Winter Commission Commission Paul S Winter Paul S Winter Commission Paul S Winter Paul S			
Beca Carter Hollings & Ferner Ltd PO 8x 3942   Wellington 6140   C/o Simon Jones Jones & Associates Ltd PO Box 562   Nelson   Nelson   Nelson   Nelson   Size Pridge St (PO Box 656)   Nelson   Nelson   Size Pridge St (PO Box 656)   Nelson   Nels			
PO Box 3942   Wellington 6140	2		
Wellington 6140   C/o Simon Jones   Jones & Associates Ltd   PO Box 562   Nelson		Commission	
Paul S Winter   C/o Simon Jones Jones & Associates Ltd PO Box 562   Nelson			
Jones & Associates Ltd   PO Box 562   Nelson	3	Devil & Wieter	
## A Michael & Maria-Luisa Lowe   C/o McFadden McMeeken Phillips Solicitors 187 Bridge St (PO Box 656) Nelson   Nelson      CD Strong, PS Fry, NA McFadden and PJ McFadden and PJ McFadden and PJ McFadden and PJ McFadden   187 Bridge St (PO Box 656) Nelson   187 Bridge St (PO Box 636) Nelson   187 Bridge St (PO Box 636) Nelson   187 Bridge St (PO Box 913 Nelson 7010   188 KN and DG Smith   C/o J McNae Staig & Smith Ltd PO Box 913 Nelson 7010   189 Nelson 7010   180 Nelson 7010	] -	Paul S Winter	
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