

Form 7

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

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

To the Registrar  
Environment Court  
Auckland, Wellington, and Christchurch

I, Jennifer Anne Everitt for the Cheeseman Family Trust, appeal against a decision (*or part of a decision*) of Thames Coromandel District Council on the following District Plan

Variation 1 Natural Character; District Plan

I made a submission on that District Plan Variation.

I am not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

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I received notice of the decision on 29 April 2016

The decision was made by Thames Coromandel District Council

The decision (*or part of the decision*) that I am appealing is:

- The overlay of Outstanding Natural Character on the property situated at 292 Tuatēawa Rd, Coromandel and covered by Map 7 on the TCDC planning maps.
- The inclusion of the grassland area around the buildings, on the waterfront, as being Outstanding Natural Character, on property 100751 and Hovells on property 100662
- Rule 11, 12 and 16 of the Outstanding Natural Character Overlay rules, application of Discretionary status

The reasons for the appeal are as follows:

- Policy 12.3 of the Regional Policy Statement clearly classifies Outstanding Natural Character as 'pristine' and uses the word 'unmodified'. Most of property is Manuka and regenerating bush. TCDC as per the Proposed District Plan Hearings Panel Paragraph 39 have applied an 'on-balance' judgement.
- The RPS and the RMA are specific on the criteria for Natural Character Overlay. It is not appropriate for the TCDC to apply a 'broad brush' approach with the application of a ONC or HNC.
- The TCDC can achieve the same control on activities and buildings if the activity is a 'restricted discretionary activity'. This allows the property owners to have some definitive guidelines for any consent application that may be made.

I seek the following relief:

- Reclassification of property 100751 to that of High Natural Character
- The area of grassland and the buildings within that area, exempt from all Natural Character classification as per the maps on the hearing document.
- It is a reasonable expectation that we should be able to construct a dwelling, as a land owner, within close proximity to the beach and be able to assess within reasonable means the control the TCDC has on the consent procedure.

I attach the following documents\* to this notice:

- (a) a copy of my submission *or* further submission (with a copy of the submission opposed or supported by my further submission):
- (b) a copy of the relevant decision (*or* 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.

\*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court. The appellant does not need to attach a copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.

.....  
Signature of appellant  
(*or* person authorised to sign  
on behalf of appellant)

..... 13 June 2016,  
Date

Address for service of appellant:  
Telephone: 0275480251  
Fax/email: jennieveritt@gmail.com  
Contact person: Jenni Everitt

### **Note to appellant**

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B), may consider only the question of law raised.

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. 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.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this notice.

However, 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).

## **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).

### *\*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* or) the decision (*or* part of the decision) appealed. These documents may be obtained, on request, from the appellant.

\*Delete if these documents are attached to copies of the notice of appeal served on other persons.

## *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Schedule 1 form 7 heading: amended, on 1 November 2010, by regulation 19(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 7: amended, on 3 March 2015, by regulation 5(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: amended, on 3 March 2015, by regulation 5(2) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2014 (LI 2014/386).

Schedule 1 form 7: amended, on 1 November 2010, by regulation 19(1) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2010 (SR 2010/279).

Schedule 1 form 7: amended, on 1 June 2006, by regulation 10(4) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2006 (SR 2006/99).

To be served with this appeal