

4. The decision is dated 14 May 2007 and was received by the appellant on 15 May 2007.
5. The decision is appealed in its entirety.
6. **The reasons for lodging the reference and opposing the Variation are:**
 - (a) The Variation in it is present from will not enable the efficient use and development of resources within the Town Centre and the District and will not enable social, economic and cultural well being.
 - (b) The Variation will not meet the reasonably foreseeable needs of future generations.
 - (c) The Variation does not represent the most appropriate way of achieving the purpose of the Resource Management Act ("RMA").
 - (d) The lack of consultation with Marlin, as the principal land owner affected by the Variation, is contrary to the provisions of the RMA.
 - (e) The Council's section 32 analysis is wholly inadequate, poorly researched, factually incorrect and does not comply with the requirements of section 32 of the RMA.
 - (f) Overall the Variation fails to promote the sustainable management of resources, achieve the purpose of the RMA and be consistent with Part II and other provisions of the RMA and District Plan.

7. **Relief Sought:**

(a) **Withdrawal**

Marlin seeks the withdrawal / cancellation of the current Variation and that RDC commence meaningful consultation with it as the principally affected landowner in accordance with undertakings made by RDC.

(b) **In the alternative Marlin seeks the following amendments, in terms of its original submission.**

Zone Issues, Objectives, Policies and Description:

- (i) Amend the fourth line of the fourth paragraph of issue 12.8.18.1.1.2 by deleting the word "*limited*" and inserting the word "*appropriate*".
- (ii) Amend Policy 12.8.18.1.3.2 to read:

*“Marine Village Town Centre Policy Area
7000m² of gross floor area devoted to shops (including dairies and takeaway food bars), restaurants and entertainment facilities, plus 200 household units or visitor accommodation units.*

Note: for ... unchanged ... Rule 12.8.18.3.8”;

and delete the sentence which states:

“Visitor accommodation units within the Marine Village Town Centre Policy Area are deemed to be ‘household units’ for the purpose of ensuring adherence to the overall limits on the amount of development permitted within Gulf Harbour.”

- (iii) Amend Policy 12.8.18.1.3.5 by deleting all reference to the requirement to prepare a *“comprehensive development plan”*, and
- (iv) Amend 12.8.18.1.4.2 first bullet point by deleting the words *“within a cap of 2913 household units that applies to the whole of the Gulf Harbour Zone.”*

Activity Rules

- (i) In Table B, retention of the NA (Not Applicable) status for *“Comprehensive Development Plans”* in the Marine Village Town Centre;
- (ii) In Table B change the status of *“Household Units”* in the Marine Village Town Centre from RD to C (Controlled); and
- (iii) In Table B change the status of *“Visitor Accommodation”* in the Marine Village Town Centre from RD to C.

Development Controls and Performance Standards

- (i) Amend Rule 12.8.18.3.8.1 Maximum height of buildings by replacing the words *“12.0m above ground level”* to *‘30.0m above ground level’* and delete the whole of the sentence stating:

“Notwithstanding this, a maximum overall height limit has been established which any new building or alterations to existing buildings must comply with. In addition, buildings should have no more than 3 storeys above ground level, with pitched roofs that are similar in form to existing buildings in the Town Centre. No flat roofs will be permitted.”

- (ii) Delete Rule 12.8.18.3.8.3 Height to Boundary Control.
- (iii) Amend Rule 12.8.18.3.8.4 Retail, Commercial and Entertainment Floorspace by change the figure of "5000m²" to "7000m²".
- (iv) Amend Rule 12.8.18.3.8.5 Standards Relating to Household Units, subclause (a) by changing the figure of 100 to 200.
- (v) Delete Rule 12.8.18.3.8.6 Comprehensive Plan.

Further Submissions:

- 8. To the extent that the decision does not adopt Marlin's further submissions in relation to Gulf Corporation Limited, C J Daly, P Kennedy-Good, Transit New Zealand, Gulf Harbour Marine Residents Association, C J and C A Richardson, S Hartley, and Vision Gulf Harbour Incorporated, the appellant seeks the relief sought in the further submission attached and dated 17 July 2006.
- 9. The Company attaches the following documents to this notice:
 - (a) A copy of its submissions.
 - (b) A copy of the relevant decision.
 - (c) A list of the names and addresses of persons to be served with a copy of this notice.

Gulf Harbour Marlin Trust by its duly authorised agent:



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R E Bartlett

Dated: 27 June 2007

Address for service of the appellant:

Gulf Harbour Marlin Trust

C/- R E Bartlett

Shortland Chambers

PO Box 4338

Telephone: 09 309 1769

Facsimile: 09 366 1599

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 lodge a notice of your wish to be a party to 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 s281 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 relevant application (or submission) and/or 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:

P O Box 7147
Wellesley Street
Auckland

And its telephone and fax numbers are:

Telephone: 09 916 9091; Fax: 09 916 9090