

**IN THE ENVIRONMENT COURT
AUCKLAND REGISTRY
I TE KŌTI TAIAO O AOTEAROA
TE ROHE O TĀMAKI MAKAURAU**

ENV-2021-AKL-

IN THE MATTER of the Resource Management Act
1991 (the **Act**)

A N D

IN THE MATTER of an appeal pursuant to section 120
of the Act

BETWEEN **Gull New Zealand Limited**

Appellant

A N D

Waikato District Council

Respondent

NOTICE OF APPEAL


HOLLAND BECKETT
L A W

Solicitor: Vanessa Hamm
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TO: The Registrar
Environment Court
AUCKLAND

1. The appellant appeals part of a decision on an application for resource consent for a 24 hour fully automated service station at 68-72 Great South Road, Pokeno (**the application**).
2. The appellant is the applicant. The appellant received notice of the Council's decision on the application on 16 June 2021.
3. The decision was made by the Waikato District Council.
4. The appellant has the right to appeal the decision under section 120 of the Act. The decision to which this appeal relates is not one of those activities excluded by section 120(1A) or (1B) of that Act.
5. The appellant is not a trade competitor for the purposes of section 308D of the Act.
6. The part of the decision the appellant is appealing is the inclusion of condition 10 on the decision which states that "the Consent Holder shall not operate the service station until the intersection of Great South Road and Pokeno Road has been upgraded to a signalised intersection and is operational as such" (**condition 10**).
7. The land affected is 68-72 Great South Road, Pokeno (Lot 41 DP 19787 – RT NA899/187). The Council's reference number for the application is LUC0329/20.

Reasons for appeal

8. The reasons for the appeal are as follows:
 - (a) That condition 10 is not an appropriate condition as required by section 108 of the Act;
 - (b) That the inclusion of condition 10 on the resource consent is not supported by the expert evidence given by the applicant which concluded that the service station could operate satisfactorily in the existing traffic environment;
 - (c) That the inclusion of condition 10 on the resource consent is not supported by the expert evidence given by the Waikato District Council in support of its section 42A report which concluded that the service station would have no more than minor transport effects in the existing traffic environment subject to conditions which did not include condition 10; and
 - (d) That the imposition of condition 10 does not promote sustainable management as required by the Act.

Relief sought

9. The relief sought by the appellant is the deletion of condition 10 from the decision.
10. The appellant attaches the following documents to this notice:
 - (a) A copy of the appellant's application ("**Attachment A**");

- (b) A copy of the relevant decision ("**Attachment B**"); and
- (c) A list of names and addresses of persons to be served with a copy of this notice ("**Attachment C**").

Signature:



Vanessa Hamm
Counsel for Appellant

Date: 7 July 2021

**Address for service of
Gull New Zealand Limited:**

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Advice to recipients of copy of notice of appeal*How to become party to proceedings*

You may be a party to the appeal if, -

- (a) within 15 working days after the period for lodging a notice of appeal ends, you 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
- (b) within 20 working days after the period for lodging a notice of appeal ends, you 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 relevant application and the relevant decision. These documents may be obtained, on request, from the appellant.

Advice

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

Attachment A

Applicant's Application

Attachment B

Decision of the respondent

Attachment C

Names and addresses of submitters to be served with copy of appeal

Waikato District Council Private Bag 544 Ngaruawahia 3742 gavin.ion@waidc.govt.nz milan.covic@waidc.govt.nz	Ronel Jacobs 57 Mark Ball Drive Pokeno 2402 rpi.jacobs1@gmail.com	Pink Lotus Holdings Limited 25 Market Street Pokeno pinklotusholdings@gmail.com
Pokeno Community Committee 6 McNeish Place Pokeno 2402 ricodom@xtra.co.nz	Wendy and Shane Harrod 13A Pokeno Road Pokeno 2472 pokenoharrods@gmail.com	Kenneth and Patricia Graham PO Box 179 Pokeno 2440 hitchen201@gmail.com
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