

**IN THE ENVIRONMENT COURT  
AUCKLAND**

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

**BETWEEN** **PONUI FARMS LIMITED and JOHN, MARY AND  
RICHARD CHAMBERLIN**

**Appellants**

**AND** **AUCKLAND CITY COUNCIL**

**Respondent**

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**NOTICE OF APPEAL TO ENVIRONMENT COURT**

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## **NOTICE OF APPEAL TO ENVIRONMENT COURT**

**To the Registrar**

**Environment Court**

**PONU FIELDS LIMITED and JOHN, MARY AND RICHARD CHAMBERLIN**

appeal a decision on the following matter:

### **Decision**

1 The decision ("Decision") relates to submissions by Ponui Farms Limited (in respect of C/T 389/39) and by John, Mary and Richard Chamberlin (in respect of C/T 19D/435) in relation to the Hauraki Gulf Islands District Plan 2006 (the Plan).

2 Notice of the Decision was received on 3 May 2009 with a letter from the Respondent indicating that appeals may be within 60 working days of the date of receipt of the letter.

3 The Decision was made by the Respondent.

4 The Decision was in respect of an area of Special Ecological Significance - SES 53 (map reference 27-1) on the Plan. The Appellants sought deletion of the classification as an Ecological Site of Significance in respect of their properties. The Council rejected the Appellants submission. The whole of this decision is being appealed against.

### **Background**

5 The Appellants are the owners of a farm on Ponui Island known as Poroaki. It is the middle farm of three farms on the Island.

6 The whole of Poroaki has been zoned as an area of Special Ecological Significance (SES) pursuant to the Plan.

7 The Appellants objected to this designation but did concede that an area of native bush on the highest part of the farm could be designated as an SES given that it was the habitat of the brown kiwi which had been introduced to the Island.

8 In its decision the Respondent Council declined to remove the designation but recognised that the ecological values of Ponui Island would be reviewed and a plan change introduced for any future amendments (see copy decision attached).

### **Reasons for appeal**

9 The reasons for this appeal are:

- (a) That the SES is not warranted in order to protect ecological values of the Appellants properties or should be significantly curtailed;
- (b) that the SES encroaches upon the farming activities of the Appellants;
- (c) that the SES will hinder the reasonably foreseeable needs of future operations of and developments on the Appellants properties;
- (d) that the Respondent's Decision:
  - (i) is not necessary in achieving the purposes of the Resource Management Act 1991 (“RMA”);
  - (ii) will impose unnecessary compliance and other costs upon the Appellants
  - (iii) is inappropriate and inconsistent with the purpose and principles of the RMA;
  - (iv) does not include proper consideration of the Appellants legitimate interests.

**Relief Sought**

10 Delete the SES in so far as it applies to the Appellants properties or limit the SES to specified areas which are necessary for the purpose of protecting the ecology, and

11 Such further other orders, relief or other consequential or other amendments as considered appropriate and necessary by the Court to address the concerns set out herein; and

The costs of and incidental to this appeal.

**Attachments**

The following documents are attached to this notice.

- (a) a copy of the relevant decision;
- (b) a list of names and addresses of persons to be served with a copy of this notice.

**SIGNED .....**

**FOR PONUI FARMS LIMITED AND FOR JOHN, MARY AND RICHARD CHAMBERLIN** by their solicitor and authorised agent:

**Signature:** John Collinge

**Date:** 10 June 2009

**Address for Service:** C/- John Collinge  
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**AUCKLAND** Ph:(09)360 8951, Fax: (09) 360 8953

TO: The Registrar of the Environment Court at Auckland AND TO: The Respondent, the Auckland Regional Council and Submitters