

**IN THE MATTER** of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) and the Resource Management Act 1991 (**RMA**)

**AND**

**IN THE MATTER** of an appeal under section 156(1) of the LGATPA against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel (**Hearings Panel**) on the proposed Auckland Unitary Plan (**Proposed Plan**)

**AND**

**IN THE MATTER** of Proposed Plan Hearing Topic(s) CIV-2016-404-2290

**BETWEEN** **Strategic Property Advocacy Network**

Appellant

**AND**

**AUCKLAND COUNCIL**

Respondent

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**NOTICE OF APPEAL**

**Dated 31 October 2017**

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**General notes:**

1. *This template is for appeals lodged under section 156(1) of the LGATPA (appeals by submitters against Auckland Council decisions rejecting Hearings Panel recommendations), or section 156(3) of the LGATPA (appeals by unduly prejudiced persons against Auckland Council decisions accepting Hearings Panel recommendations identified by Panel as 'out of scope').*
2. *This template is based on Form 6 in the Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan) Regulations 2013, but has been amended in a number of respects – e.g. to reflect certain waivers / directions made by the Environment Court.*
3. *For designation appeals to the Environment Court under section 157 of the LGATPA, please use Form 7 of the Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan) Regulations 2013.*

To:           The Registrar  
              Environment Court  
              **Auckland**

1. We, Strategic Property Advocacy Network appeal against a decision (or part of a decision) of the Auckland Council (the **Council**) on the proposed Auckland Unitary Plan (**Proposed Plan**).
2. We have the right to appeal the Council's decision

under section 156(1) of the LGATPA because the Council rejected a recommendation of the Hearings Panel in relation to a provision or matter we addressed in our submission on the proposed plan (*state submission number / further submission number*). The Council decided on an alternative solution, which resulted in a provision being included in the proposed plan or a matter being excluded from the Proposed Plan:

3. We provide further details of the reasons for my appeal below.
4. We are not a trade competitor for the purposes of section 308D of the RMA.
5. We received notice of the decision on 29 September 2017.
6. The decision (or part of the decision) that I am appealing is:

(a) *[state—*

- *a summary of the decision or part of the decision of the Council rejecting a recommendation of the Hearings Panel;*
- *the original Hearings Panel topic number(s) relevant to the decision or part of the decision; and*
- *the specific provision included in, or matter excluded from, the Proposed Plan by the decision, as part of the Council's alternative solution, which you are appealing].*

7. The reasons for the appeal are as follows:
  - (a) *We are appealing against the decision to make our area prohibited activity.*
  - (b) *We oppose prohibited status.*
  - (c) *We seek to overturn the decision on its merits.*
  - (d) *We apply for costs.*

8. We seek the following relief:

*To restore non-complying status in the Waitakere Ranges Heritage Area which has been made prohibited activity by the High Court decision.*

9. An electronic copy of this notice is being served today by email on the Auckland Council at [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz). Waivers and directions have been made by the Environment Court in relation to the usual requirements of the RMA as to service of this notice on other persons.

10. \* I attach the following documents *f* to this notice:

(a) a copy of the relevant decision.

(b) a list of names and addresses of persons served / to be served with a copy of this notice.

[Trent.Grace@justice.govt.nz](mailto:Trent.Grace@justice.govt.nz), [unitaryplan.ecappeals@justice.govt.nz](mailto:unitaryplan.ecappeals@justice.govt.nz), [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)

*† These documents constitute part of this form and, as such, must be attached to the notice lodged with the Environment Court. The appellant does not need to attach a copy of the Unitary Plan. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on the Council and (if relevant) the Minister if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.*

JW Newick

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

31 October 2017

Date

Address for service of appellant:

176 Lincoln Rd Henderson Auckland

Private Box 104 230 Lincoln North Auckland 0654

Telephone: DD 836 5300, 029 836 4300

Fax/email: 836 4315, [john@uniformbrokers.co.nz](mailto:john@uniformbrokers.co.nz)

Contact person: John Newick, Chair

### **Note to appellant**

You may appeal only if—

(a) the Council rejected a recommendation of the Hearings Panel in relation to a provision or a matter you addressed in your submission on the proposed plan and the Council decided on an alternative solution that resulted in a provision being included in the proposed plan or a matter being excluded from the proposed plan; or

(b) you are, were, or will be unduly prejudiced by the inclusion of a provision in or the exclusion of a matter from the proposed plan in relation to which the Council accepted a recommendation of the Hearings Panel that the Hearings Panel had identified as being beyond the scope of the submissions made on the proposed plan.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the RMA.

You must lodge the original notice with the Environment Court, and serve a copy on the Council (by email to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)), within 20 working days after the Council notifies its decisions in relation to the recommendations of the Hearings Panel under section 148(4)(a) of the LGATPA (i.e. by no later than **16 September 2016**).

You must pay the filing fee required by regulation 15 of the Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan) Regulations 2013 at the time you lodge this notice with the Environment Court.

If your appeal concerns a regional coastal plan provision / the coastal marine area, you must serve a copy of this notice on the Minister of Conservation within 5 working days after this notice is lodged with the Environment Court.

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 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

### **Advice to recipients of copy of notice of appeal**

#### *How to become party to proceedings*

You may become a party to the appeal if you are one of the persons described in section 274(1) of the RMA.

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 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003) with the Environment Court by email (to [unitaryplan.ecappeals@justice.govt.nz](mailto:unitaryplan.ecappeals@justice.govt.nz)) and serve copies of your notice by email on the Auckland Council (to [unitaryplan@aucklandcouncil.govt.nz](mailto:unitaryplan@aucklandcouncil.govt.nz)) and the appellant.

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 RMA.

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 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

#### *Advice*

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