

**IN THE ENVIRONMENT COURT
HELD AT AUCKLAND**

ENV-2020-AKL-

IN THE MATTER

of Clause 14(1) of Schedule 1 of
the Resource Management Act
1991

AND

IN THE MATTER

of an appeal against a decision in
Proposed Plan Change 20

BETWEEN

WAITI HEADWATERS LIMITED

Appellant

AND

AUCKLAND COUNCIL

Respondent

NOTICE OF APPEAL

Counsel:

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TO: The Registrar
Environment Court
Auckland

1. **WAIITI HEADWATER LIMITED** appeals against part of the decision of Auckland Council on Proposed Plan Change 20 to the partly operative Auckland Unitary Plan.
2. It made a submission on that Proposed Plan Change.
3. It is not a trade competitor for the purposes of [section 308D](#) of the Resource Management Act 1991.
4. It received notice of the decision on 20 February 2020.
5. The decision was made by Auckland Council.
6. The part of the decision that it is appealing is:
 - (a) The substitution of the words "*residential buildings*" with the word "*dwelling*" in:
 - Policy 19.2.4(1)(b).
 - Zone description H19.6.1
 - Objective H19.6.2(3)
 - Policy H19.6.3(3)
 - (b) The removal of the words "*development*" and "*residential*" and the insertion of the words "*dwelling*" and "*dwelling*" in Zone description H19.7.1.

7. The reasons for the appeal are as follows:
- (a) The decision fails to give effect to the purposes and principles of sustainability of the Resource Management Act.
 - (b) The decision fails to give proper consideration and weighting to the expert evidence provided.

In particular, and without derogation from the generality of the above:

- (c) The proposed re-wording is intended to and could have the effect of inappropriately limiting the range of residential activity, despite their being no statutory planning basis, AUP Objective or Policy, or any factual evidence to support imposing such limitations.
8. It seeks the following relief:
- (1) Cancelling the proposed changes set out in paragraph 6 above.
9. I attach the following documents* to this notice:
- (a) a copy of the Waiiti submission;
 - (b) a copy of the relevant decision;
 - (c) a list of names and addresses of persons to be served with a copy of this notice.



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R E Bartlett QC
Counsel for Appellant

2 April 2020

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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 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 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 in Auckland, Wellington, or Christchurch.

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