

**BEFORE THE ENVIRONMENT COURT  
AT AUCKLAND**

**ENV2016-AKL-**

**IN THE MATTER**

of the Local Government  
(Auckland Transitional  
Provisions) Act 2010  
("LGATPA") and the Resource  
Management Act 1991  
("RMA" or "the Act")

**AND**

**IN THE MATTER**

of an appeal by **OKURA  
HOLDINGS LIMITED** under  
section 156(1) of the LGATPA  
against a decision of  
**AUCKLAND COUNCIL** on  
the proposed Auckland  
Unitary Plan ("PAUP")

**AND**

**IN THE MATTER**

of PAUP Hearing Topics 061  
Rural Urban Boundary  
North/West and 081c  
Rezoning and Precincts  
(North)

**BETWEEN**

**OKURA HOLDINGS  
LIMITED**

**Appellant**

**AND**

**AUCKLAND COUNCIL**

**Respondent**

**NOTICE OF APPEAL**

TO: The Registrar of the Environment Court  
PO Box 7147  
Wellesley Street  
Auckland 1010

1. **Okura Holdings Limited ("OHL") through its solicitors Berry Simons at the address for service given below** appeals against part of the decision of Auckland Council ("the Council") on the proposed Auckland Unitary Plan ("PAUP").

2. OHL has the right to appeal the Council's decision under section 156(1) of the LGATPA because the Council rejected a recommendation of the Independent Hearings Panel ("IHP") in relation to a provision or matter addressed in OHL's submission and further submission on the PAUP (submission number 5133, further submission number 2923). The Council decided on an alternative solution, which resulted in a provision being included in the PAUP or a matter being excluded from the PAUP.
3. OHL provides further details of the reasons for its appeal below.
4. OHL is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 ("RMA").
5. OHL received notice of the Council's decision on 19 August 2016.

**Parts of the decision appealed**

6. The parts of the decision that OHL is appealing are:
  - (a) The Council's decision to reject the IHP's recommendation under Topic 016 "Rural Urban Boundary North/West" to extend the Rural Urban Boundary north of the Vaughans Road ridgeline into the Okura catchment at a location east of Okura village, as outlined in the IHP's recommendation.
  - (b) The Council's decision to reject the IHP's recommendation under Topic 081c "Rezoning and Precincts (North)" to provide a new precinct (527 Okura Precinct) for approximately 130ha of land north of Vaughans Road, Okura owned by OHL, along with rezoning of that land from Countryside Living to Mixed Housing Suburban, Large Lot, Open Space Conservation and Open Space Informal Recreation zones, as outlined in the IHP's recommendation.
  - (c) The Council's decision to reject the IHP's recommendation under Topic 081c "Rezoning and Precincts (North)" to rezone from Countryside Living to Future Urban approximately 30ha of land, the majority of which is not owned by OHL (but was included in OHL's submission as a result of the integrated Structure Planning process undertaken), to the north of Vaughans Road/east of Okura Village, as outlined in the IHP's recommendation.
  - (d) The Council's decision to replace the live urban zoning and precinct recommended by the IHP with Rural – Countryside Living zoning and amend Table E39.6.5.2.1 to apply a subdivisional control requiring a

minimum and average net site area of 4ha without transferable rural site subdivision and add the Control: Subdivision Variation Control – Rural, Okura East, to the land known as Okura East.

### **Reasons for the Appeal**

7. The reasons for the appeal are as follows:
- (a) The decision to reject the IHP's recommendations on the matters outlined in paragraph 5 is contrary to the purpose and principles contained in Part 2 of the Resource Management Act 1991 ("the RMA"), and in particular does not:
    - (i) Promote the sustainable management of natural and physical resources in accordance with section 5.
    - (ii) Enable the community to provide for its social and economic wellbeing in accordance with section 5(2).
    - (iii) Provide for the efficient use and development of natural and physical resources in accordance with section 7(b).
    - (iv) Appropriately have regard to the actual and potential effects of the proposed development on the environment.
    - (v) Appropriately give effect or have regard to relevant higher order planning documents, including the relevant provisions of the New Zealand Coastal Policy Statement 2010, the National Policy Statement for Freshwater Management 2014, and the Auckland Plan.
  - (b) Any adverse effects on the environment or amenity values arising from OHL's proposed development can be appropriately avoided, remedied or mitigated. This was accepted by Council officers in their recommendation to the Council's Governing Body.
  - (c) The reasons provided by the Council for rejecting the recommendation of the IHP (as set on page 68 of the Council's Decisions Report, attached as **Appendix B**) were all thoroughly addressed by the IHP in its recommendation which was based on a full consideration of the evidence presented by all parties.
  - (d) OHL's proposed development will have significant positive environmental effects.

### **Relief Sought**

8. OHL seeks the following relief:
  - (a) That the Rural Urban Boundary be extended in Okura to the location recommended by the IHP.
  - (b) That the land included within the extended Rural Urban Boundary at Okura be zoned as recommended by the IHP, including that live urban zoning and the Okura Precinct be applied to OHL's land as recommended by the IHP, or other provisions to like effect which appropriately address OHL's issues as raised above.
  - (c) Such further or other consequential relief as the Court deems appropriate to address OHL's issues as raised above.
  - (d) Costs.

### **Attachments**

9. The following documents are attached to this notice:
  - (a) A copy of the relevant part of Attachment A to the Council's decision report (Appendix A).
  - (b) A copy of the relevant part of the Council's decision report (Appendix B).
  - (c) A copy of the relevant part of the IHP's recommendation (Appendix C).
  - (d) A copy of the relevant part of the IHP's recommendation report (Appendix D).
  - (e) A list of names and addresses of person to be served with a copy of this notice (Appendix E).
  - (f) A copy of OHL's submission (Appendix F).
  - (g) A copy of OHL's further submission (Appendix G).

- (h) Copies of the submissions opposed by and supported by OHL's further submission (Appendix H).

**DATED** at **AUCKLAND** this 16th day of September 2016

**OKURA HOLDINGS LIMITED** by its solicitors and duly authorised agents **BERRY SIMONS:**



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**S J Simons**

**ADDRESS FOR SERVICE OF APPELLANT**

Berry Simons  
PO Box 3144  
Shortland Street  
AUCKLAND 1140

**Telephone:** (09) 969 2300  
**Facsimile:** (09) 969 2304  
**Email:** sue@berrysimons.co.nz  
**Contact person:** Sue Simons, Partner

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

### *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 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 copies of the relevant parts of the Council's decision or the appellant's submission. 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.

**APPENDIX A**  
**RELEVANT PART OF ATTACHMENT A TO THE COUNCIL'S DECISION REPORT**  
**ON THE PAUP (19 AUGUST 2016)**

**APPENDIX B**  
**RELEVANT PART OF COUNCIL'S DECISION REPORT ON**  
**THE PAUP (19 AUGUST 2016)**



**APPENDIX C**  
**RELEVANT PARTS OF IHP RECOMMENDATION**  
**ON THE PAUP (19 AUGUST 2016)**

**APPENDIX D**  
**RELEVANT PARTS OF IHP RECOMMENDATION REPORT**  
**ON THE PAUP (19 AUGUST 2016)**

**APPENDIX E**  
**NAMES AND ADDRESSES OF PERSONS TO BE SERVED**  
**WITH A COPY OF THIS NOTICE**

<b>Name</b>	<b>Address</b>
Auckland Council	unitaryplan@aucklandcouncil.govt.nz

**APPENDIX F**  
**SUBMISSION BY OKURA HOLDINGS LIMITED ON THE PAUP**

**APPENDIX G**  
**FURTHER SUBMISSION BY OKURA HOLDINGS LIMITED ON THE PAUP**

**APPENDIX H**  
**SUBMISSIONS OPPOSED BY AND SUPPORTED BY**  
**OHL'S FURTHER SUBMISSION**