

**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 **TODD  
PROPERTY GROUP  
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 Topic 013  
RPS Urban Growth

**BETWEEN**

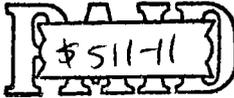
**TODD PROPERTY GROUP  
LIMITED**

**Appellant**

**AND**

**AUCKLAND COUNCIL**

**Respondent**



**NOTICE OF APPEAL**

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

1. **Todd Property Group Limited ("Todd Property") 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. Todd Property 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 Todd Property's submission on the PAUP (Submission 4909). 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. Todd Property provides further details of the reasons for its appeal below.
4. Todd Property is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 ("RMA").
5. The decision being appealed was made by the Council and Todd Property received notice of the Council's decision on 19 August 2016.

### **Part of the decision appealed**

6. The parts of the Council's decision Todd Property is appealing all relate to the Urban Growth and Form chapter of the Regional Policy Statement, and are as follows:

- (a) The addition of Objective B2.2.1.(2):

*"Urban growth is primarily focused within the metropolitan area 2010 (as identified in Appendix 1A)."*

- (b) The amendment of Policy B2.2.2.(2) and (4) as follows:

*"(2) Ensure the location or any relocation of the Rural Urban Boundary achieves a quality compact urban form and identifies land suitable for urbanisation in locations that:*

...

*(4) Concentrate urban growth and activities within the metropolitan area 2010 (as identified in Appendix 1A), Enable urban growth and activities within the Rural Urban Boundary, towns, and rural and coastal towns and villages, and avoid urbanisation outside these areas.*

- (c) The inclusion of Appendix 1A delineating the metropolitan area 2010.

### **Reasons for the Appeal**

7. The reasons for Todd Property's appeal are that the parts of the Council's decision which are the subject of this appeal are contrary to the purpose and principles contained in Part 2 of the Resource Management Act 1991 ("the RMA"), and in particular do not:
  - (a) Promote the sustainable management of natural and physical resources in accordance with section 5.

- (b) Enable the community to provide for its social and economic wellbeing in accordance with section 5(2).
- (c) Provide for the efficient use and development of natural and physical resources in accordance with section 7(b).
- (d) Appropriately have regard to the actual and potential effects on the environment of the:
  - (i) Proposed restriction of urban growth within the Rural Urban Boundary to the metropolitan area 2010; and
  - (ii) Proposed restrictions on relocation of the Rural Urban Boundary, in addition to the many other objectives and policies throughout the PAUP supporting a quality compact urban form, and the requirement in "G1. Rural Urban Boundary" that:
 

*"Any relocation of the Rural Urban Boundary must give effect to the objectives and policies of the regional policy statement which establish it."*
- (e) Appropriately give effect or have regard to relevant higher order planning documents, including the Auckland Plan.

### **Relief Sought**

- 8. Todd Property seeks the following relief:
  - (a) That the parts of the Council's decisions outlined in paragraph 6 above be deleted and replaced by the provisions as recommended by the IHP, or other provisions to like effect which appropriately address Todd Property's issues as raised above.
  - (b) Such further or other consequential relief as the Court deems appropriate to address Todd Property's issues as raised above.
  - (c) Costs.

### **Attachments**

- 9. The following documents are attached to this notice:
  - (a) A copy of the relevant parts of Attachment A to the Council's decision, which outlines (in track changes) the changes to the IHP's recommendation made by the Council (Appendix A).

- (b) A copy of the relevant part of the Council's decision (Appendix B).
- (c) A copy of the relevant part of the Council's decision report (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 Todd Property's submission (Appendix F).

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

**TODD PROPERTY GROUP LIMITED** by its solicitors and duly authorised agents  
**BERRY SIMONS:**



**S J Simons**

**ADDRESS FOR SERVICE OF APPELLANT**

Berry Simons  
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Shortland Street  
AUCKLAND 1140

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**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.