

BEFORE THE ENVIRONMENT COURT

ENV-2016-_____

IN THE MATTER

of the Local Government (Auckland Transitional Provisions) Act (2010) and the Resource Management Act 1991.

AND

IN THE MATTER

of an appeal under s156(3) of the Act

AND

IN THE MATTER

of Hearing Topics 22 (Natural Hazards and Flooding) and 65 (Definitions)

BETWEEN

MAN O' WAR FARM LIMITED

Appellant

AND

AUCKLAND COUNCIL

Respondent

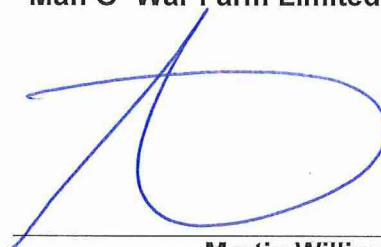
NOTICE OF APPLICATION FOR WAIVER TO FILE LATE APPEAL

**TO: The Registrar
Environment Court
Auckland**

1. **MAN O' WAR FARM LIMITED** ("**Man O' War**") hereby seeks a waiver under s281 of the Resource Management Act 1991 for the late filing (by 30 working days) of an appeal lodged under s156(3) of the Local Government (Auckland Transitional Provisions) Act (**the Act**).
2. The waiver is sought **upon the following grounds**.
 - (a) No party would be unduly prejudiced by the granting of the waiver sought, as while Auckland Unitary Plan matters have been assigned to the Court's Priority Track, case management steps are at a preliminary stage; and
 - (b) It would be reasonable and in the interests of justice (in the exercise of the Court's discretion) to grant the waiver sought given uncertainty regarding which forum (High Court or Environment Court) the substantive matters raised in the late appeal to this Court fall to be addressed, with reference to s156(3) and s144(6) of the Act.

Signature:

Man O' War Farm Limited by its counsel:



Martin Williams

Date: 31 October 2016
Address for service: Mr Martin Williams
PO Box 754
NAPIER 4140
Telephone: 06 835 0665
Facsimile: 06 835 6269

Note to applicant

You must lodge the original and one copy of this application with the Environment Court. The application must be signed by you or on your behalf. You must serve a copy of this application on all other parties to the proceedings within three working days after lodging this application with the Environment Court.

Within 10 working days after lodging this application, you must give written notice to the Registrar of the Environment Court of the name, address, and date of service for each person served with this application.

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 in this form.

Advice

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

Contact details of Environment Court for lodging documents

Documents may be lodged with the Environment Court by lodging them with the Registrar.

The **Auckland** address of the Environment Court is:

8th Floor
District Court Building
69 Albert Street
Auckland

Its postal address is: DX: CX10086
Auckland

Its telephone and fax numbers are: Tel: (09) 916 9091
Fax: (09) 916 9090

The **Wellington** address of the Environment Court is:

District Court Building
43-49 Ballance Street
Wellington

Its postal address is: PO Box 5027
Lambton Quay
Wellington

Its telephone and fax numbers are: Tel: (04) 918 8300
Fax: (04) 918 8480

The **Christchurch** address of the Environment Court is:

83 Armagh Street (cnr Durham Street)
Christchurch

Its postal address is: PO Box 2069
Christchurch

Its telephone and fax numbers are: Tel: (03) 962 4170
Fax: (03) 962 4171