

**BEFORE THE ENVIRONMENT COURT
AUCKLAND REGISTRY**

ENV-2021-

**I TE KŌTI TAIAO O AOTEAROA
TĀMAKI MAKĀURAU ROHE**

IN THE MATTER of the Resource Management Act 1991 (the Act)

AND

IN THE MATTER of direct referral of an application under s 127 of the Act
to cancel a condition of Resource Consent LUC80045488

BETWEEN **KRISTIN SCHOOL CHARITABLE TRUST**

Applicant

AND **AUCKLAND COUNCIL**

Consent Authority

**APPLICATION BY APPLICANT FOR WAIVERS / DIRECTIONS IN RELATION TO
SECTION 274 MATTERS**

Dated 19 February 2021

TOMPKINS | WAKE

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To: The Registrar
Environment Court
Auckland

1. Kristin School Charitable Trust (**Applicant**) applies pursuant to section 281 of the Act for waivers and directions. This application relates to the Applicant's Notice of Motion for Direct Referral dated 19 February 2021 (**Notice of Motion**).

2. The Applicant applies for the following waivers / directions relating to section 274 of the Act:

(a) A waiver of the usual requirement for submitters to lodge a signed original and one copy of the section 274 notice with the Court, and a direction that any section 274 notices may be filed with the Court and served on the Applicant and Council electronically via email.

(b) A waiver of the usual requirement to serve other parties under section 274(2B) of the Act and a direction that service will be effected by the Court publishing any section 274 notices received on a designated webpage for this proceeding.

(c) A waiver of the usual requirement in Form 31A of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 in respect of the 'Advice to Recipients' and a direction that the Notice of Motion served on submitters include the below amended advice:

Advice to recipients of copy of notice of motion

How to become a party to proceedings

1. You may be heard on this application if you come within section 274(1) of the Resource Management Act 1991. If you are a trade competitor of the applicant, your right to be heard may be limited.

2. You may be heard on the application as a party if within 15 working days after this notice of motion was lodged with the court, you lodge a notice in form 33 with the Environment Court and serve copies of your notice on the relevant local authority and the applicant.
3. Please note that the Court has allowed any section 274 notice to be:
 - (a) Filed electronically with the Court by email to environmentcourt@justice.govt.nz ; and
 - (b) Served on the Applicant and the Council preferably by email (or alternatively by post) at the following addresses:

	The Applicant	The Council
Email	marija.batistich@tompkinswake.co.nz / kirsty.dibley@tompkinswake.co.nz	jim.stabback@aucklandcouncil.govt.nz
Post	Kristin School Charitable Trust c/- Tompkins Wake PO Box 2543, Auckland 1010 Att: Marija Batistich / Kirsty Dibley	Auckland Council Private Bag 92300, Auckland, 1142 Att: Jim Stabback

4. The Court has waived the requirement under section 274(2B) for you to serve other submitters on the application. All section 274 notices will be published on the Environment Court's website.

Advice

5. If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.
3. The Applicant seeks the above waivers and directions to simplify the process for submitters wishing to become a party to this proceeding. In addition, the waivers / directions sought should help to reduce the quantity of paper which would otherwise be generated by strict compliance with the Act.
4. The application was publicly notified and attracted 759 submissions, as set out in the Notice of Motion. Under section 352 of the Act the Applicant is to serve the Notice of Motion electronically, on those submitters who provided an email address (being almost all of the submitters).

5. The Notice of Motion filed herein has been amended to include the advice to recipients set out in paragraph 2(c) above, in anticipation of the requested waivers and directions being made.

Dated at Auckland this 19th day of February 2021.



MN Batistich

Counsel for Kristin School Charitable Trust

Address for service of Applicant:

Kristin School Charitable Trust
c/-Tompkins Wake
PO Box 2543
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Attention: MN Batistich / KM Dibley

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Facsimile: 07 839 4913

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