

IN THE ENVIRONMENT COURT
AT AUCKLAND

ENV-2016-AKL-

IN THE MATTER of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) and the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of an appeal under section 156(1) of the LGATPA against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel (**Hearings Panel**) on the proposed Auckland Unitary Plan (**Proposed Plan**)

AND

IN THE MATTER of Proposed Plan Hearing Topic(s) 059 to 063 Residential Zones

BETWEEN

RON AND HANNAH DUNLOP FAMILY TRUSTS

Appellant

AND

AUCKLAND COUNCIL

Respondent

NOTICE OF APPEAL

Dated 16 September 2016

Address for service of appellant

17 Worley Place
St Johns
Auckland

ron@multiform.co.nz

09 5277752

Contact person: Ron Dunlop

To: The Registrar
 Environment Court
 Auckland

1. The Ron and Hannah Dunlop Family Trusts (**the Trust**) appeals against a decision of the Auckland Council (the **Council**) on the proposed Auckland Unitary Plan (**Proposed Plan**).
2. The Trust has the right to appeal the Council's decision under section 156(1) of the LGATPA because the Council rejected a recommendation of the Hearings Panel in relation to a provision or matter I addressed in my submission on the proposed plan (submission number 337). The Council decided on an alternative solution, which resulted in a provision being included in the Proposed Plan.
3. Further details of the Trust's reasons for the appeal are set out below.
4. The Trust is not a trade competitor for the purposes of section 308D of the RMA.
5. The Trust received notice of the decision on 19 August 2016.
6. The Trust is appealing Council's decision to reject the Hearings Panel recommendation to amend the threshold for requiring resource consent from three or more dwellings to five or more dwellings in the Mixed Housing Suburban Zone. This recommendation formed part of the Hearings Panel recommendations on topics 059 to 063 Residential Zones.

In the notified version of the Proposed Plan up to three dwellings per site were allowed as a permitted activity in the Mixed Housing Suburban Zone. Four or more dwellings per site would require resource consent for a restricted discretionary activity. In its recommendations, the Hearings Panel recommended that this increase to four dwellings per site as a permitted activity in the Mixed Housing Suburban Zone (see Table H4.4.1 (A3 – A4)). However, in its decisions on the Hearings Panel recommendations, Council rejected the Panel recommendation, and reduced the permitted activity threshold to two dwellings per site in the Mixed Housing Suburban Zone (see Table H4.4.1 (A3 – A4)).

7. The Trust appeals this decision on the basis that allowing up to four dwellings per site as of right in the Mixed Housing Suburban Zone will enable greater urban intensification and is therefore more consistent with the purpose of the zone.
8. The Trust seeks the following relief:
 - (a) That the threshold for requiring resource consent be amended to five or more dwellings in the Mixed Housing Suburban Zone to reflect the recommendations of the Hearings Panel; and



(b) Such further, other or consequential relief to these or other provisions as considered appropriate and necessary to address the concerns set out in this notice of appeal.

9. An electronic copy of this notice is being served today by email on the Auckland Council at unitaryplan@aucklandcouncil.govt.nz. Waivers and directions have been made by the Environment Court in relation to the usual requirements of the RMA as to service of this notice on other persons.

10. I attach the following documents to this notice:

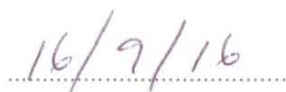
(a) a copy of the relevant decision;

(b) a list of names and addresses of persons served with a copy of this notice (attached at page 5).

(c) a copy of my submission.



Signature of appellant



Date

Address for service of appellant

17 Worley Place

St Johns

Auckland

ron@multiform.co.nz

09 5277752

Contact person: Ron Dunlop

Note to appellant

You may appeal only if—

(a) the Council rejected a recommendation of the Hearings Panel in relation to a provision or a matter you addressed in your submission on the proposed plan and the Council decided on an alternative solution that resulted in a provision being included in the proposed plan or a matter being excluded from the proposed plan; or

(b) you are, were, or will be unduly prejudiced by the inclusion of a provision in or the exclusion of a matter from the proposed plan in relation to which the Council accepted a recommendation of the Hearings Panel that the Hearings Panel had identified as being beyond the scope of the submissions made on the proposed plan.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the RMA.

You must lodge the original notice with the Environment Court, and serve a copy on the Council (by email to unitaryplan@aucklandcouncil.govt.nz), within 20 working days after the Council notifies its decisions in relation to the recommendations of the Hearings Panel under section 148(4)(a) of the LGATPA (i.e. by no later than **16 September 2016**).

You must pay the filing fee required by regulation 15 of the Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan) Regulations 2013 at the time you lodge this notice with the Environment Court.

If your appeal concerns a regional coastal plan provision / the coastal marine area, you must serve a copy of this notice on the Minister of Conservation within 5 working days after this notice is lodged with the Environment Court.

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 (see form 38 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

Advice to recipients of copy of notice of appeal

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) and serve copies of your notice by email on the Auckland Council (to 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 RMA.

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 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

Advice

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

Names and addresses of persons served with a copy of this notice

Auckland Council

Private Bag 92300

Victoria Street West

Auckland 1142

Unitaryplan@aucklandcouncil.govt.nz