

In the High Court of New Zealand
Auckland Registry

I Te Kōti Matua O Aotearoa
Tāmaki Makaurau Rohe

CIV-2019-404-2682

under the **Judicial Review Procedure Act 2016**

between

Averil Rosemary Norman and Warwick Bruce Norman

Applicants

and

Tūpuna Maunga o Tāmaki Makaurau Authority

First Respondent

and

Auckland Council

Second Respondent

NOTICE OF APPLICATION FOR LEAVE TO AMEND
STATEMENT OF CLAIM

19 February 2020

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NOTICE OF APPLICATION FOR LEAVE TO AMEND STATEMENT OF CLAIM

To: The Registrar of the High Court


And to: The First and Second Respondents

This document notifies you that—

1. The Applicants, Averil Rosemary Norman and Warwick Bruce Norman will, on the 20th of March 2018 at 10:00 am, apply to the Court for:
 - (a) leave to file the amended statement of claim dated 29 January 2020, and
 - (b) the costs of this application.
2. The amended statement of claim would add a ground of review relating to the Second Respondent's decision to issue a resource consent to fell the 345 non-native trees on the Owairaka / Mt Albert reserve on a non-notified basis.
3. The grounds on which the orders are sought are:
 - (a) It is in the interests of justice to allow the statement of claim to be amended:
 - i. Given the substantial factual overlap between all grounds of review, it is proper and expedient that they are considered by the same judge and in the same proceeding, rather than having separate proceedings filed and heard and determined separately.
 - ii. There is substantial merit to the proposed additional ground of review.
 - iii. The Applicants should have every opportunity to ensure that the real controversy is heard so as to secure the just determination of the proceeding.
 - (b) There will be no prejudice to the Respondents.

- (c) A fixture has been allocated for 8 and 9 June 2020.
 - (d) The proposed amendment will not delay the proceedings.
4. The orders are sought in reliance on:
- (a) High Court Rules 2016, rr 7.7, 7.77 and 14.8, and the legal principles relevant to them as described in *McGechan on Procedure*.
 - (b) Affidavit of Kylee Marie Murphy dated 19 February 2020.

Dated: 19 February 2020



RJ Hollyman QC / JWH Little
Counsel for the Applicants