

**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 OPPOSITION

25 February 2020

BUDDLE FINDLAY
NEW ZEALAND LAWYERS
Barristers and Solicitors
Wellington

Solicitors Acting: **Paul Beverley / Sebastian Bisley**
Email: paul.beverley@buddlefindlay.com / sebastian.bisley@buddlefindlay.com
Tel 64 4 499 4242 Fax 64 4 499 4141 PO Box 2694 DX SP20201 Wellington 6140

To: the Registrar of the High Court at Auckland

And to: the Applicant

And to: the Second Respondent

This document notifies you that—

1. The first respondent, Tūpuna Maunga o Tāmaki Makaurau Authority (**Authority**), intends to oppose the interlocutory application by the applicant dated 19 February 2020.
2. The first respondent is opposed to the making of the orders numbered 1(a) and 1(b) in the application.
3. The grounds on which the first respondent opposes the making of the orders are that it is not in the interests of justice and the Authority will suffer prejudice if the leave application is granted, because:

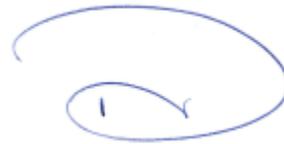
- (a) At the outset of the proceeding, the parties agreed and recorded before the Court that it was in the public interest to hear the matter urgently (in the 8 December 2019 joint memorandum):

It is in the public interest that the matter be heard and resolved quickly, given the implications for the Authority's plans in respect of the 14 maunga for which it is the administering authority across Auckland.

- (b) The Authority gave undertakings to the applicant and agreed not to seek an undertaking in damages on the basis that the substantive hearing would take place in March 2020.
- (c) The applicant filed its original proceeding with knowledge of the non-notification decision of the Auckland Council (that decision is specifically referred to in the original application for review) and elected not to include that ground of review at that time.
- (d) The Authority has worked (in a condensed timeframe) to file a significant volume of evidence before the Court, so as to meet this urgent timetable.
- (e) On 29 January 2020 (one working day before the Authority's evidence was due) without any prior notice to the Authority and without the leave of the Court, the Applicant filed a substantially amended application for review.

- (f) This will further delay this important ecological restoration project for the Maunga.
- 4. The first respondent seeks costs in relation to this application.
- 5. The first respondent relies on:
 - (a) High Court Rules 2016, rr 7.7, 7.77 and 14.18, and the legal principles relevant to them as described in McGechan on Procedure.
 - (b) Affidavits filed by the applicant and the first respondent in these proceedings.

DATED this 25th day of February 2020

A handwritten signature in blue ink, consisting of a large, stylized 'S' shape with a smaller loop at the bottom.

Paul Beverley / Sebastian Bisley
Counsel for the First Respondent