

Form 7

Notice of appeal to Environment Court against decision on proposed policy
statement or plan or change or variation

Clause 14(1) of Schedule 1, Resource Management Act 1991

To the Registrar

Environment Court

Auckland, Wellington, and Christchurch

1. We, Te Whānaunui o Waiaua o Ngāti Torehina, in collaboration with Andrea Milovan, the writer of this report, and Dylan Cliff, the planner behind the table attached, appeal against a decision of the Far North District Council on the following policy statement, under the Area-Specific Matters, relating to the Special Purpose Zones - Kauri Cliffs zone.
2. We made a submission on that variation.
3. We are not trade competitors for the purposes of section 308D of the Act.
4. Te Whānaunui o Waiaua are Tāngata whenua o Waiaua and are submitting this Appeal as a part of Cultural Evidence. I, Andrea Milovan, hold a degree in International Relations and Cultural Encounters (Roskilde University, Denmark), and a Master's degree in Philosophy in Indigenous Studies (the Arctic University of Norway). The most relevant experience in relation to this submission is the 20-month-long collaboration with Waiaua whānau, apropos all WBFL submissions, and resource consents that Te Whānaunui o Waiaua has been opposing and/or trying to revoke. Dylan Cliff holds a Bachelor of Science, a Master of Planning, and is an Intermediate member of the New Zealand Planning Institute. He has 7 years of planning experience across consenting, policy, reserve, land management, and environmental advocacy. Dylan has worked for both private consultancy as well as several years as a council planner. He has relevant experience with engagement with iwi on strategic policy and consenting matters.
5. Te Whānaunui o Waiaua are directly affected by an effect of the subject of the appeal that
 - (a) adversely affects the environment; and
 - (b) does not relate to trade competition or the effects of trade competition.
6. We received notice of the decision on 30th of June 2026.
7. The decision was made by the Far North District Council (FNDC).
8. The part of the decision we are appealing against is:
 - a) The FNDC decision excludes public and limited notification requirements for Restricted Discretionary activities under the Subdivision rule for the Golf Living sub-zone. Furthermore, the matters of discretion leave little ability to consider cultural effects arising from subdivision. We argue this is in breach of Section 6(e) and Section 7(a) of the Resource Management Act, read in light of the Articles 25, 26 and 27 of UNDRIP (United Nations Declaration on the Rights of Indigenous

- Peoples) Articles 25, 26 and 27, ICCPR (International Covenant on Civil and Political Rights) Article 1 and 27, and FPIC (Free, Prior, and Informed Consent).
- b) The Council included a ‘hook’ requirement, binding Kauri Cliffs to Policy TW-P6; however, the relocation of the Golf Living sub-zone allows for 60 luxury homes within a downsized 122.4-hectare footprint. This is inconsistent with TW-P6 as it relocates the zone from an area of relatively low significance to Te Whānaunui o Waiaua o Ngāti Torehina to one of high significance and has the potential to restrict access to Te Whānaunui o Waiaua o Ngāti Torehina ancestral lands, sites, wāhi tapu and other taonga. This decision contradicts the TW-P6.
 - c) The Council accepted Waiaua Bay Farm Limited's (WBFL) opposition and retained the Natural Heritage subzone, rather than enforcing a public Natural Open Space Zone (S368.001), facilitating continuation of the Kauri Cliffs (KC) Special Purpose Zone framework. We argue that the retained Natural Heritage sub-zone fails to provide sufficient directive management or robust bottom lines, beyond generic district-wide matters, to adequately protect the coastal environment. In the absence of explicit, non-complying or prohibited activity thresholds tailored to safeguard Tāngata whenua cultural landscapes and indigenous biodiversity, the zone functions as an enabling placeholder rather than a strict environmental protection mechanism. Hence, FNDC’s decision does not recognize and provide for the directive policies of the New Zealand Coastal Policy Statement 2010 (DOC, 2010) and the foundational ‘environmental bottom-line’ precedent set by the Supreme Court in *Environmental Defence Society v New Zealand King Salmon Co Ltd* (2014).
 - d) The Council decision incorporates Rule KCZ-R7; however, where there is non-compliance with the standards of Rule KCZ-R7, the Kauri Cliffs Zone allows for the activity to proceed as a controlled activity rather than Restricted Discretionary. This functionally provides the resort with more permissive noise control where applications cannot be declined. As both Tāngata Whenua and neighbours of the site, we believe that a Restricted Discretionary control would be more appropriate as it would allow for the application to be declined where it is determined that the effects of helicopter noise are overly detrimental to the surrounding environment. We furthermore require inclusion of cultural effects given the significance of the site to Tāngata Whenua and the detrimental effects that helicopter noise can have on taonga species and wahi tapu.
9. The reasons for the appeal are as follows:
- a) The exclusion of notification rights fails to give effect to Section 6(e) (recognizing and providing for the relationship of Māori with their ancestral lands, water, wāhi tapu sites, and taonga) and Section 7(a) (having particular regard to Kaitiakitanga) of the Resource Management Act (RMA, 1991). By processing applications for housing subdivisions within the reconfigured Golf Living subzone as a non-notified consent, the FNDC decision systematically excludes Te Whānaunui o Waiaua from future decision-making. It prevents them from exercising their ancestral role as kaitiaki (guardians) over the land and creates a high risk of exposure of unmapped sacred sites or archaeological features.

The evidence submitted as part of Rebuttal in Hearing 15A by Te Whānaunui o Waiaua (2025) suggests many more wāhi tapu sites than currently recorded, such as an unrecorded Opiako site, at least four historical cultivation sites, kāinga

sites, and a walking trail along the ridge. Mahinga kai sites serve as a tangible measure of a waterway's mauri (life force), meaning the productive capacity of the site is directly correlated with the health of waterways (Tipa & Teirney, 2006). In this case, the Waiaua stream. The health of waterways corresponds to the presence and health of taonga species (Tipa & Teirney, 2006), such as eels, silverfish, and other taonga of high value to Te Whānaunui o Waiaua.

The exclusion of notification rights, hence, directly restricts the ability of Te Whānaunui o Waiaua to exercise Kaitiakitanga, and tino Rangatiratanga upon their whenua at large. That is, in turn, a breach of Te Tiriti o Waitangi, Article 2, undermines the national agreements ratified in the Articles 25, 26 and 27 of UNDRIP (United Nations Declaration on the Rights of Indigenous Peoples), Articles 1 and 27 of ICCPR (International Covenant on Civil and Political Rights), and violates the core tenet of FPIC (Free, Prior, and Informed Consent), as stated above.

Article 2 of Te Tiriti (1840) guarantees Māori authority over their homes, lands, and treasures; Articles 25, 26, and 27 within UNDRIP and ICCPR, adopted by Aotearoa, NZ, affirm those rights. UNDRIP's Articles 25, 26, and 27 relate to Indigenous rights to spiritual connection with the land, right of control and ownership of the land, as well as dictate fair processes for land claims (UNDRIP, 2007). Articles 1 and 27 of ICCPR cover self-determination rights and minority rights, mandating minorities' access to their own culture (ICCPR, 1966). FPIC, as an International Human Right Principle, ensures Indigenous peoples' right to free, prior and informed consent to projects affecting their land, territories, and/or resources (UNDRIP, 2007). Non-notified consent therefore, operates as a direct systemic breach of International and National Indigenous protection mechanisms.

- b) While the FNDC added the TW-P6 policy to the Kauri Cliffs zone framework, the actual rules granted to WBFL conflict with the intent of that policy. Allowing 60 luxury homes to be built on highly sensitive coastal terrain fundamentally fails to "recognise and provide for historical, spiritual, or cultural associations" as TW-P6 explicitly demands (FNDC, 2026). The actual rules establish a permanent, residential footprint that dominates, rather than co-exists with, the ancestral landscape, seeing that human volume in the Waiaua area has the potential to increase significantly with detrimental effects to ancestral lands, wahi tapu and taonga.

The permitted zoning mechanisms grant WBFL the right to establish a gated luxury estate and the legal power to drive survey pegs into ancestral soils, erect fences, build roads, utilities for homes, and further restrict Te Whānaunui o Waiaua from crossing what is becoming an enclosed, private luxury compound. Considering that Te Whānaunui o Waiaua occasionally use WBFL's access to Waiaua Bay, due to a weather-dependent track on their side, these mechanisms have the potential to restrict Te Whānaunui o Waiaua access to wāhi tapu, mahinga kai sites, and their ancestral rohe. Moreover, due to the more attractive views, the Golf living sub-zone footprint area has been relocated from a site of low significance to an area of high significance to Tāngata whenua. Although reduced to 122.4 hectares, the current site sits right above Waiaua Bay, and

therefore has the potential to cause soil erosion, stormwater runoff, impact the physical and metaphysical qualities of Waiaua stream, and cause habitat loss to taonga species.

While the TW-P6 policy addresses the cultural associations of Tāngata whenua, its true recognition requires Tāngata whenua to maintain an active, uninhabited connection to their moana and whenua, which is already not the case, per the above argument. The connection of Te Whānaunui o Waiaua to the Waiaua area is not restricted by currently imposed boundaries and existing relationships with the landowner; furthermore, earthworks can disturb ūrupa sites and taonga species, which TW-P6 is trying to preserve. Granting permissive construction rules despite our previous opposition(s) is an act of systemic inequalities – prioritizing private investors over the foundational cultural directives of TW-P6, failing to give effect to the policy.

- c) The retention of the Natural Heritage subzone fails to give effect to Section 6(a) and Section 6(c) of the RMA. Section 6(a) refers to preservation of the natural character of the coastal environment, while the latter section relates to protection of areas of Indigenous flora and fauna (RMA, 1991). By retaining conservation activities within a privately managed Special Purpose Zone, the Council prioritizes resort management cohesion over district-wide open rules. The current zoning also provides no surety of outcomes over and above district-wide rules for conservation-specific activities in the Natural Heritage subzone, as there are no specific management outcomes or restricted activities within that zone in the Kauri Cliffs Zone chapter.

The FNDC's decision thus fails to give effect to New Zealand Coastal Policy Statement 2010 (DOC, 2010) and the foundational Supreme Court precedent set in *Environmental Defence Society v New Zealand King Salmon Co Ltd* (2014), breaching Policy 13(1)(a) of the NZCPS. Policy 13(1)(a) is considered an “environmental bottom line”, solidifying that a council cannot trade off outstanding coastal natural character for economic or commercial gains (King Salmon, 2014). By granting the residential rezoning, we argue that FNDC has not provided for and recognized this environmental bottom line.

Although the FNDC reconfigured the zone boundaries, it allowed for extensive earthworks, development of roads and overall residential infrastructure, failing to give effect to Policy 15(a) of the NZCPS, stating to “avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment”. Seeing that Policy 15(a) specifically uses ‘avoid’, remediation and mitigation are legally precluded (King Salmon, 2014). WBFL's Master Plan (Boffa Miskell Lt, 2025) under *Environmental Effects Management Consideration* states:

“The height of retaining walls, their colour and whether planting is necessary to mitigate their visual effects; and any mitigation measures proposed.”

Mitigate does not comply with Policy 15(a), and visual effects do not consider the intrinsic value of the landscape to Tāngata whenua, Te Whānaunui o Waiaua. WBLF is further stating that it will manage and mitigate the risk of soil

expansivity (WBFL, 2025). The highland location of the earthworks has a high potential of causing sediment run-off to Waiaua Bay, impacting the historical māhinga kai and overall wāhi tapu sites. In Te Ao Māori, soil is a life form, coming from the placenta of Papatūanuku (Lindsay-Latimer et al., 2024). Damaging it must be avoided, not mitigated.

Mātauranga-a-whānau suggests a historical abundance of orchard trees in the area, of which there are barely any signs left nowadays (D. Maunsell, per. comm., June. 2026). Ecological Report by Dr. Bramley features a list of remediation and minimisation measures pertaining to the removal of vegetation, impacts on fish passages, increases in vermin and weeds, impacts of light and traffic pollution, and infiltration runoff (Bramley, 2025). We argue that those must be avoided, not mitigated and/or managed.

Dr. Tatton's Archaeological Report also recommends mitigation/managment measures, resting almost solely on monitoring the earthworks, while Dr. Goodwin's Landscape Report features the word 'mitigate' 17 times, and Mr. Tuck's Planning Report 42 times in total (Tatton 2025; Goodwin, 2025; Tuck, 2025). In consideration of the former, we ask who has the authority to monitor the earthworks, as Te Whānaunui o Waiaua have not been consulted, and as Tāngata whenua, they are the only ones who can undertake cultural monitoring. As for the latter two, Dr. Goodwin and Dr. Tuck's mitigation measures focus on the effects on the river, Tāngata whenua, historical sites, overall natural character, and their physical and metaphysical features (Goodwin, 2025; Tuck, 2025). We argue that those cannot be remedied, managed, and minimized, and consider the residential development to therefore threaten the overall mauri of the whenua and its Tāngata.

In consideration of the outlined arguments, we ask the Court to enforce Policy 15(a) of the NZCPS, in addition to Policy 2 of the said document.

Policy 2 of the NZCPS mandates that Councils account for Te Tiriti principles and Kaitiakitanga, through partnership with Māori, to protect coastal areas (DOC, 2010). By excluding notification and failing to give effect to the aforementioned RMA Sections, Te Tiriti, and other International Indigenous protection mechanisms, the Council prohibits Tāngata whenua from their statutory kaitiaki role and restricts their right to FPIC.

Finally, we argue the Council decision has not complied with Section 8 of the RMA, which gives account to Te Tiriti principles (RMA, 1991). By enabling a private entity to dictate subzone boundaries under the Special Purpose Zone, and WBFL to solely manage culturally vital coastal land, FNDC's decision is not compliant with fundamental Te Tiriti principles of Māori partnership, active protection of their taonga, lands, and homes, and mutual good faith (Te Tiriti, 1840), diminishing Te Whānaunui o Waiaua tino Rangatiratanga over their rohe.

- d) In the final decision, the Council enforced a 'NOTE' establishing that Rule KCZ-R7 (Access) applies in place of district-wide rules TRAN-R2 (Transport) and SUB-R4 (Subdivision) within the Golf Living sub-zone:

“NOTE: Rule KCZ-R7 applies in place of rules TRAN-R2 and SUB-R4, which do not apply in the Golf Living sub-zone.”

By completely bypassing rules TRAN-R2 and SUB-R4, the decision grants Waiaua Bay Farm Limited (WBFL) an exclusive private infrastructure pathway, enabling internal roadbuilding and access-track formation to bypass standard public transport connectivity requirements, engineering vesting hooks, and public traffic volume tracking. Concurrently, Rule KCZ-R9 grants an overly permissive Permitted activity status for helicopter landing areas, bypassing standard district-wide tracking thresholds under rule NOISE-R7. Together, this framework effectively grants WBFL complete infrastructure design and noise-management autonomy, precluding the standard resource-consent mechanisms that would otherwise allow for the vesting of unformed public corridors or public accessways. Consequently, this exempts the development from public access integration, legally disallowing Te Whānaunui o Waiaua from exercising their continuous ancestral relationships with the whenua.

Rule KCZ-R7 therefore acts as a legal firewall that obstructs Te Whānaunui o Waiaua from exercising their cultural and environmental protection right. By removing the statutory hook that would require future standard transportation resource consent and CIAs, the rule enables internal roadbuilding and access-track formation. Such operations have the potential to expose unrecorded wāhi tapu sites, and disturb overall mana and mauri of the whenua, as seen throughout this Appeal.

Allowing privately controlled aviation traffic at low altitude adjacent to sensitive coastal environments of spiritual and cultural value of Te Whānaunui o Waiaua poses a threat to taonga special nesting in the nearby Natural Heritage subzone. Known taonga species include but are not limited to a native bat (*Chalinolobus tuberculatus*) colony, the northern New Zealand dotterel (*Anarhynchus obscurus aquilonius*), and a brown kiwi (*Apteryx mantelli*) population. All these species are further classified as either ‘Threatened’ or ‘At Risk’ by the Department of Conservation in 2021 and 2023 (DOC, 2023; Robertson et al., 2021), under the New Zealand Threat Classification System (NZTCS).

By establishing what functions as a gated, sovereign luxury compound insulated from the wider district’s connectivity and zoning expectations, through bypassing standard transportation resource consents leading to the loss of mandatory Cultural Impact Assessments (CIAs), FNDC fails to give effect to Section 8 of the RMA. The Council’s decision prioritizes private investors’ objectives over Tāngata whenua ancestral rights and interests, and therefore does not comply with Section 8 of the RMA, which obliges the Council to protect Tāngata whenua partnership and authority over their rohe (RMA, 1991).

- e) The current Kauri Cliffs Special Zone framework prevents Tāngata whenua from equitably entering the space of tension (Healy et al., 2012), seeing the discrepancy in Te Whānaunui o Waiaua ability to prepare comprehensive, specialized reports by a highly regarded expert team, as WBFL has access and financial means to employ. Such resource discrepancy enables systemic inequalities, and leaves Tāngata whenua out of decision-making processes

relating to their ancestral rohe - their whakapapa (Healy et al., 2012). It further disables Tāngata whenua access to their own data and opportunity to make informed decisions, in relation to their Māoritanga and tikanga – corresponding to the history of the culture and the place (Healy et al., 2012).

As a means of decolonization and indigenization, Te Whānaunui o Waiaua are currently collaborating on a PhD project with Andrea Milovan, measuring the archaeological, cultural, spiritual, and environmental impacts of the continual 200 years of colonization of the Waiaua Estate. The research is supervised by biosecurity expert Dr. Sara Belcher, archaeological expert Dr. Arini Loader, freshwater specialist Dr. Mike Joy, and anthropology, science and technology specialist Dr. Courtney Addison. While the supervision team does not equate to an expert team employed by WBFL, restricted by inability to produce independent specialist reports, the study marks the onset of Te Whānaunui o Waiaua Rangatiratanga and Kaitiakitanga reclamation and restoration. Hence, we request a multi-year Adjournment or Stay of Proceedings from the Court, seeing that the Court cannot accurately evaluate effects on the coastal environment without the baseline cultural data, which only Te Whānaunui o Waiaua can provide, seeing they are Tāngata whenua.

For Te Whānaunui o Waiaua to participate in a state of genuine parity, and to freely exercise their fundamental statutory rights under Sections 6(e), 7(a), and 8 of the Act, an independent, multi-year CIA framework is a non-negotiable resource. The Court is urged to apply the principles of Te Tiriti o Waitangi and International Indigenous frameworks (UNDRIP, ICCPR, and FPIC) to prevent the preemption of this essential cultural data by enabling corporate plan rules. That would allow for interim relief during further data-collection and the groundwork PhD research, in preparation for multi-year detailed CIA.

10. We seek the following relief:

A targeted set of directives and structural modifications mandated by the Environmental Court, outlined as follows:

- (a) Delete the Golf Living sub-zone and all its corresponding provisions from the Kauri Cliffs Special Purpose Zone framework in their entirety, rezoning the land to an appropriate protective coastal or open space classification.
- (b) Delete the Natural Heritage sub-zone and replace it with the standardized Natural Open Space Zone, subject to appropriate public or co-governance reserve ownership and management structures.
- (c) In the alternative to (b), retain the Natural Heritage sub-zone but amend its provisions to insert a strict schedule of Prohibited and Non-Complying activity thresholds, as set out in Section 7(c) of this appeal.
- (d) Delete the non-notification note under the Kauri Cliffs Special Zone Subdivision provisions in its entirety, reinstating standard public and limited notification assessment pathways under Sections 95(a) to 95(g) of the RMA (1991) for all resource consent and subdivision applications within the Golf Living sub-zone. We seek procedural relief from the Court, enacted by eliminating the non-notification rule, putting in effect Section 6(e) and Section 7(a) of the RMA

- (1991). We argue that any future land-use or subdivision within the Kauri Cliffs Special Zone must notify and include Tāngata whenua, enforcing the outlined Sections of the RMA and Indigenous rights frameworks.
- (e) Amend the Kauri Cliffs Special Purpose Zone provisions to delete the 'NOTE' exempting the Golf Living sub-zone from district-wide rules TRAN-R2 and SUB-R4, thereby ensuring all internal roads, infrastructure vesting, and access-track formations comply fully with standard district-wide transport and subdivision engineering codes.
 - (f) Delete Rule KCZ-R9 (Helicopter Landing Areas) and direct that all commercial aviation activities and noise limits within the Kauri Cliffs Special Purpose Zone comply with standard district-wide rules NOISE-R7 and the broader Transport/Aviation frameworks.
 - (g) Amend the provisions of the Kauri Cliffs Special Purpose Zone and Chapter TW (Tāngata Whenua) to insert a mandatory standard requiring a comprehensive, independent, applicant-funded Cultural Impact Assessment (CIA) to be prepared by Te Whānaunui o Waiaua prior to the lodgment or processing of any future subdivision or land-use consent.
 - (h) Seek an order for interim relief through Adjournment or a Stay of Proceedings pending the compilation of baseline cultural, archaeological, and ecological data currently being gathered under the active Tāngata whenua research partnership with academic specialists.
11. Bibliography supporting this Appeal:
- Boffa Miskell Limited. (2025). *Kauri Cliffs: Development concept and masterplan: Landscape assessment*. Report prepared for Waiaua Bay Farm Limited. Far North District Council.
- Bramley, G. N. (2025). *Statement of evidence of Dr Gary Bramley (Ecology) on behalf of Waiaua Bay Farm Limited*. Far North District Council.
https://www.fndc.govt.nz/__data/assets/pdf_file/0011/40232/Evidence-of-Gary-Bramley-Ecology.pdf
- Department of Conservation. (2010). *New Zealand coastal policy statement 2010*. New Zealand Coastal Policy Statement
- Department of Conservation. (2023). *Conservation status of New Zealand freshwater fishes, 2023* (New Zealand Threat Classification Series 45). Department of Conservation.
<https://www.doc.govt.nz/globalassets/documents/science-and-technical/nztcs46.pdf>
- Environmental Defence Society Inc. v. New Zealand King Salmon Co. Ltd. (2014). NZSC 38, (2014) 1 NZLR 593.
- Far North District Council. (2026). *Proposed District Plan: Decisions version*.
<https://www.fndc.govt.nz/Council/District-Plan/proposed-district-plan>
- Healy, S., Huygens, I., & Murphy, T. (2012). *Ngāpuhi Speaks: He Wakaputanga and Te Tiriti o Waitangi: Independent Report on Ngāpuhi Nui Tonu Claim*. Te Kāwhiri Chara & Network Waitangi Whangārei.
- Lindsay-Latimer, C., Allport, T., Potaka-Osborne, M., & Wilson, D. (2024). *Belonging to the Land: Indigenous Māori Narratives of Home and Place*. *Folk*,

Knowledge, Place, 1(2), 23–41. <https://doi.org/10.24043/001c.125729>

Resource Management Act. (1991).

<http://www.legislation.govt.nz/act/public/1991/0069/latest/whole.html>

Robertson, H. A., Baird, K. A., Elliott, G. P., Hitchmough, R. A., McArthur, N. J., Makan, T. D., Miskelly, C. M., O'Donnell, C. F. J., Sagar, P. M., & Scofield, R. P. (2021). *Conservation status of birds in Aotearoa New Zealand, 2021* (New Zealand Threat Classification Series 36). Department of Conservation. doc.govt.nz

Tatton, K. S. (2025). *Statement of evidence of Kim Tatton (Archaeology) on behalf of Waiaua Bay Farm Limited*. Far North District Council.

https://www.fndc.govt.nz/__data/assets/pdf_file/0014/40235/Evidence-of-Kim-Tatton-Archaeology.pdf

Te Tiriti o Waitangi (1840). Article 2

Te Whānaunui o Waiaua. (2025). *Rebuttal evidence by Te Whānaunui o Waiaua o Ngāti Kura for 15A hearing: FNDC PDP – Kauri Cliffs and Carrington*. Far North District Council.

https://www.fndc.govt.nz/__data/assets/pdf_file/0018/44361/d94136e21fbefb1c950e7b3b7fad3325f2044022.pdf

Tipa, G., & Teirney, L. D. (2006). *A cultural health index for streams and waterways: a tool for nationwide use* (p. 58). Wellington: Ministry for the Environment.

Tuck, S. (2025). *Statement of evidence of Steven Tuck (Planning) on behalf of Waiaua Bay Farm Limited*. Far North District Council.

https://www.fndc.govt.nz/__data/assets/pdf_file/0016/40237/Evidence-of-Steven-Tuck-Planning.pdf

United Nations. (1966). *International Covenant on Civil and Political Rights*. United Nations Treaty Series, 999, 171. <https://treaties.un.org/>

United Nations General Assembly. (2007). *United Nations Declaration on the Rights of Indigenous Peoples* (G.A. Res. 61/295, Annex). United Nations.

12. We attach the following documents* to this notice:

- (a) a copy of the whānau statement relating to who does not have the authority to represent them and monitor planned earthworks, with a statement concerning their continually contested experience with the FNDC:

(b) a list of names and addresses of persons to be served with a copy of this notice.

*These documents constitute part of this form and, as such, must be attached to both copies of the notice lodged with the Environment Court. The appellant does not need to attach a copy of a regional or district plan or policy statement. In addition, the appellant does not need to attach copies of the submission and decision to the copies of the notice served on other persons if the copy served lists these documents and states that copies may be obtained, on request, from the appellant.

Date: **11/08/2026**

Signature of appellant:



(*or* person authorised to sign on behalf of appellant)

Address for service of appellant:

1147 Wainui Rd, RD1 Kaeo,

0478. Northland.

Telephone: **0212643278**

Fax/email: **waiauawhanau@gmail.com**

Contact person: **Vicky Maunsell, Secretary, Te Whanaunui o Waiaua**

Note to appellant

Appeals other than in relation to freshwater planning instruments

You may appeal only if—

- you referred in your submission or further submission to the provision or matter that is the subject of your appeal; and
- in the case of a decision relating to a proposed policy statement or plan (as opposed to a variation or change), your appeal does not seek withdrawal of the proposed policy statement or plan as a whole.

The Environment Court, when hearing an appeal relating to a matter included in a document under section 55(2B) of the Act, may consider only the question of law raised.

Appeals in relation to freshwater planning instruments

You may appeal only if—

- you addressed in your submission or further submission the provision or matter that is the subject of your appeal; and
- the relevant regional council rejected a recommendation of the freshwater hearings panel and decided an alternative solution which resulted in—
 - (a) the provision or matter being included in the freshwater planning instrument; or

- (b) the provision or matter being excluded from the freshwater planning instrument.

If a regional council decides to reject a recommendation of the freshwater hearings panel that is outside the scope of submissions, you may appeal to the Environment Court in respect of that decision or the alternative solution proposed by the council if you made a submission.

Notes for all appeals

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

You must lodge the original and 1 copy of this notice with the Environment Court within 30 working days of being served with notice of the decision to be appealed. The notice must be signed by you or on your behalf. You must pay the filing fee required by regulation 35.

You must serve a copy of this notice on the local authority that made the decision and on the Minister of Conservation (if the appeal is on a regional coastal plan), within 30 working days of being served with a notice of the decision.

You must also serve a copy of this notice on every person who made a submission to which the appeal relates within 5 working days after the notice is lodged with the Environment Court.

Within 10 working days after lodging this notice, 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 notice.

However, you may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see* form 38).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

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) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

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 Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see* form 38).

**How to obtain copies of documents relating to appeal*

The copy of this notice served on you does not have attached a copy of the appellant's submission and (*or or*) the decision (*or* part of the decision) appealed. These documents may be obtained, on request, from the appellant.

*Delete if these documents are attached to copies of the notice of appeal served on other persons.

Advice

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

Schedule 1 form 7: replaced, on 3 September 2020, by regulation 7(3) of the Resource Management (Forms, Fees, and Procedure) Amendment Regulations 2020 (LI 2020/180).