

Massey Ward

Potential Speed Limit Changes Based on Survey and Analysis in Accordance with Land Transport Rule: Setting of Speed Limits 2003

Ward	Road Name	Road Section Description	Length of Road Section (m)	Current Speed Limit (km/h)	Potential New Limit Based on Analysis (km/h)
Massey	Birdwood Road	From Glen Road to 150m north of Glen Road	150	50	100
Massey	Birdwood Road	From Red Hills Road to 20m south of Red Hills Road	20	50	100
Massey	Brigham Creek Road	From 160m west of Hobsonville Road to 250m west of Trig Road	2290	80	100
Massey	Brigham Creek Road	From Hobsonville Road to 160m west of Hobsonville Road	160	50	100
Massey	Dale Road	Entire Road	1286	100	80
Massey	Kauri Road	From 80m north of Brigham Creek Road to 175m north of Rata Road	1020	70	80
Massey	Kauri Road	From 175m north of Rata Road to 500m south of Kingsway Road	645	100	80
Massey	Mamari Road (south section)	Entire Road	533	100	80
Massey	Riverlea Road	Entire Road	1897	100	80
Massey	Rope Road	Entire Road	257	100	80
Massey	Scott Road	From 100m east of Clark Road to end of road	1630	100	80
Massey	Spedding Road	Entire Road	1027	100	80
Massey	Totara Road	From 50m west of Karaka Road to 275m north of McKean Road	576	70	100
Massey	Totara Road	From Brigham Creek Road to 100m north of Brigham Creek Road	100	50	100
Massey	Trig Road	From 300m north of Hobsonville Road to 70m south of Brigham Creek Road	1928	100	80

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New Lynn Ward

Potential Speed Limit Changes Based on Survey and Analysis in Accordance with Land Transport Rule: Setting of Speed Limits 2003

Ward	Road Name	Road Section Description	Length of Road Section (m)	Current Speed Limit (km/h)	Potential Limit Change Based on Analysis (km/h)
NL	Huia Road	From Scenic Drive to 750m south of Scenic Drive	750	50	80
NL	Woodlands Park Road	From Scenic Drive to 170m east of Waima Crescent	474	70	50

A2

Waitakere Ward – Bethells, Te Henga, Waitakere Township, Sunnyvale Road

Potential Speed Limit Changes Based on Survey and Analysis in Accordance with Land Transport Rule: Setting of Speed Limits 2003

Ward	Road Name	Road Section Description	Length of Road Section (m)	Current Speed Limit (km/h)	Potential Limit Change Based on Analysis (km/h)
Waitakere	Amreins Road	From 80m north of McEntee Road to City Boundary	1055	100	80
Waitakere	Anzac Valley Road	From Bethells Road to 20m south of Bethells Road.	20	50	80
Waitakere	Anzac Valley Road	From 20m south of Bethells Road to end of road	2320	70	80
Waitakere	Bethells Road	From 4600m west of Waitakere Road to 6500m west of Waitakere Road	1900	100	80
Waitakere	Crows Road	Entire Road	2623	100	80
Waitakere	Falls Road	Entire Road	2001	70	100
Waitakere	Kay Road	From 35m north of Waitakere Road to McEntee Road	1340	100	80
Waitakere	McEntee Road	From Kay Road to 50m east of Amreins Road	899	100	80
Waitakere	Steed Road	Entire road	920	70	80
Waitakere	Sunnyvale Road	From 565m north of Crows Road to Kay Road	1297	100	80
Waitakere	Sunnyvale Road	From 25m south of Red Hills Road to 565m north of Crows Road	1435	70	80
Waitakere	Te Henga Road	From 270m west of Unity Road to 335m west of Falls Road	656	70	100
Waitakere	Waitakere Road	From 190m north of Bethells Road to city boundary	127	100	80
Waitakere	Waitakere Road	From 220m south of Township Road to 190m north of Bethells Road	566	70	80
Waitakere	Wendy Road	Entire road	913	70	80
Waitakere	Amreins Road	From McEntee Road to 80m north of McEntee Road	80	50	50

A3

Waitakere Ward – Henderson Valley, Swanson Foothills (South of Swanson Road)

Potential Speed Limit Changes Based on Survey and Analysis in Accordance with Land Transport Rule: Setting of Speed Limits 2003

Ward	Road Name	Road Section Description	Length of Road Section (m)	Current Speed Limit (km/h)	Potential Limit Change Based on Analysis (km/h)
Waitakere	Candia Road	From 25m north of Coulter Road (northernmost intersection of these two roads) to 70m north of Henderson Valley Road	3128	100	80
Waitakere	Candia Road	From Pooks Road to 25m north of intersection with Coulter Road (northernmost intersection of these two roads)	510	70	50
Waitakere	Candia Road	From Henderson Valley Road to 70 metres north of Henderson Valley Road	70	70	80
Waitakere	Christian Road	Entire Road	3798	100	80
Waitakere	Coulter Road	Entire Road	3826	100	80
Waitakere	Drower Road	Entire Road	804	100	80
Waitakere	Henderson Valley Road	From 590m west of Gum Road to 90m east of Opanuku Road	987	100	70
Waitakere	O'Neills Road	From 145m south of Swanson Road to rail tracks	148	70	50
Waitakere	O'Neills Road	From Pooks Road to 45m north of Drower Road	1885	70	80
Waitakere	O'Neills Road	From 45m north Drower Road to Christian Road	1143	100	80
Waitakere	Patsy O'Hara Place	Entire Road	157	70	80
Waitakere	Perris Road	Entire Road	487	100	80
Waitakere	Pooks Road	From 60m east of Candia Road to O'Neills Road	368	70	80
Waitakere	Seibel Road	Entire Road	698	100	80
Waitakere	Simpson Road	From 190m south of Tasman Avenue to Candia Road	404	100	80
Waitakere	Sturges Road	From Candia Road to 595m east of Candia Road	595	100	80
Waitakere	Tram Valley Road	Entire Road	1752	100	80
Waitakere	Vineyard Road	Entire Road	1566	100	80
Waitakere	Welsh Hills Road	Entire Road	385	100	80

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Waitakere Ward – Oratia, Waiatarua, Piha

Potential Speed Limit Changes Based on Survey and Analysis in Accordance with Land Transport Rule: Setting of Speed Limits 2003

Ward	Road Name	Road Section Description	Length of Road Section (m)	Current Speed Limit (km/h)	Potential Limit Change Based on Analysis (km/h)
Waitakere	Atarua Gardens	Entire Road	327	70	50
Waitakere	Bush Road	Entire Road	780	70	50
Waitakere	Carter Road	Entire road	4052	70	80
Waitakere	Cochran Road	Entire Road	513	70	80
Waitakere	Forest Hill Road	From Pine Avenue to 35m south of Holdens Road	1627	50	70
Waitakere	Forest Hill Road	From 35m south Holdens Road West Coast Road	4531	70	80
Waitakere	Log Race Road	Entire Road	682	70	50
Waitakere	Piha Road	From Pendrell Road to 325m south of Pendrell Road	325	50	70
Waitakere	Piha Road	From 110m west of Quinns Road to Quinns Road	110	70	100
Waitakere	Quinns Road	Entire road	1046	70	80
Waitakere	Scenic Drive	From 165m east of West Coast Road to 120m west of Quinns Road	319	70	100
Waitakere	Te Ahuahu Road	Entire Road	495	70	50

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Waitakere Ward – Huia, Parau, Cornwallis, Laingholm

Potential Speed Limit Changes Based on Survey and Analysis in Accordance with Land Transport Rule: Setting of Speed Limits 2003

Ward	Road Name	Road Section Description	Length of Road Section (m)	Current Speed Limit (km/h)	Potential Limit Change Based on Analysis (km/h)
Waitakere	Huia Road	From 750m south of Scenic Drive to 410m east of Sylvan Valley Road	1891	70	80
Waitakere	Huia Road	From 425m west of Victory Road to 1020m north of Staley Road	3066	70	100
Waitakere	Huia Road	From 40m west of Armour Road to 90m west of Shirley Road	650	70	100
Waitakere	Huia Road	From 630m east of Foster Avenue to 70m south of Huia Dam Road	1673	70	80
Waitakere	Huia Road	From 70m south of Huia Dam Road to Whatipu Road	2311	70	80
Waitakere	Rauhuia Crescent	Entire Road	743	50	100
Waitakere	Shirley Road	Entire road	836	70	100

A6

WAITAKERE CITY COUNCIL

27 MAR 2006

To: Group Manager,
Planning & Community
Services
WAITAKERE CITY COUNCIL

27 MAR 2006

659673

IN THE ENVIRONMENT COURT
AUCKLAND

ENV A /06

IN THE MATTER

of an appeal pursuant to clause
14(1) of the First Schedule of the
Resource Management Act 1991

BETWEEN

ANNE BEVERLEY GRACE

Appellant

AND

WAITAKERE CITY
COUNCIL

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON
PROPOSED PLAN CHANGE 12, WAITAKERE CITY DISTRICT PLAN**

Dated: 27 March 2006

Chief Executive	
Corporate Services	
City Services Kosella	/
Consultancy Services	
ECO - WATER	
Strategic Group	
Consent Services	
Field Services	

A7

TO: The Registrar
Environment Court
Auckland

- 1 I, Anne Beverley Grace, appeal against parts of a decision of Waitakere City Council ("the Council") on the following: Proposed Plan Change 12, Open Space Environment Provisions, Waitakere City District Plan ("Proposed Plan Change 12").
- 2 I made a submission on Proposed Plan Change 12 and a further submission on my original submission. This Appeal relates to Point 6 of my submission.
- 3 I received notice of the decision on 13 February 2006.
4. The decision was made by Waitakere City Council.
5. **The Parts of the Decision that I am Appealing:**
 - The exclusion of a list of scarce indigenous plant species as an Appendix in the Waitakere City District Plan.
 - The wording of the last paragraph of the "Explanation" for the proposed Policy 12.9 (page 59 of Appendix 1 of the Decision Notice), in particular, the inclusion of the reference to the Regional Parks Management Plan and the exclusion of a reference to a more comprehensive list of scarce indigenous plant species;
 - The proposed amendments to Vegetation Alteration Rules 2.1 Permitted Activities for all Natural Areas, in particular the exclusion of standards for the avoidance of scarce indigenous plant species;
 - The proposed amendments to Earthworks Rules 3.1 Permitted Activities for all Natural Areas, in particular the exclusion of standards for the avoidance of scarce indigenous plant species;
 - The assessment criteria referring to "species known to be threatened or endangered".

The Reasons For this Appeal are as Follows:

6. Most of the scarce indigenous plants of Waitakere City occur in areas identified as Open Space Environment in the Waitakere City District Plan.
7. The Waitakere City District Plan and Proposed Plan Change 12 do not identify the scarce indigenous plant species that occur in the region and, consequently, the provisions are open to interpretation, e.g., the assessment criteria for vegetation alteration and earthworks for which a resource consent is required refer to "species known to be threatened or endangered".

8. The claim in the "Explanation" to Policy 12.9 that "Volume 1 of the Regional Parks Management Plan contains a list [of rare and threatened plants]" is incorrect. The best list of threatened and uncommon plant species potentially present in Waitakere City is contained in Stanley, R; de Lange, P; and Cameron, E K 2005: Auckland Regional Threatened and Uncommon Vascular Plants List (*Auckland Botanical Society Journal* 60 (2): 152 – 157), being a recent revision of the list referred to in Point 6 of my original submission.
9. Proposed Plan Change 12 would Permit the disturbance, and/or partial destruction, and/or destruction of many scarce indigenous plants in the Open Space Environment, and potentially the City-wide extinction of entire plant species (with high probability for some species).
10. Proposed Plan Change 12 fails to promote the sustainable management of scarce indigenous plants in the Open Space Environment in Waitakere City pursuant to the Resource Management Act 1991 ("the Act"), in particular the following:
 - a. Part II of the Act, particularly, but not limited to, Section 6 (c);
 - b. Section 31(b) (iii) of the Act;
 - c. Section 75(2) of the Act;
 - d. Section 76(3) of the Act.

I Seek the Following Relief:

11. The inclusion of a list of Threatened and Uncommon Plant Species as an Appendix in the Policy Section of the Waitakere City District Plan, preferably based on the list presented in Stanley, de Lange, and Cameron 2005 (*Auckland Botanical Society Journal* 60 (2): 152 – 157).

And replacement of the last paragraph of the "Explanation" of the proposed Policy 12.9 with: "The Department of Conservation and/or recognized experts may be consulted on the identification and management of Threatened and Uncommon Plants."

12. Or (less preferred alternative) The replacement of the last paragraph of the "Explanation" of the proposed Policy 12.9 with: "It should be noted that there is no inventory of rare and threatened plants in the District Plan but Stanley, de Lange, and Cameron 2005 (*Auckland Botanical Society Journal* 60 (2): 152 – 157) contains a list and the Department of Conservation and/or recognized experts may be consulted on this matter."
13. The inclusion of an additional standard at the end of the proposed new bullet point for Vegetation Alteration Rules 2.1 and Earthworks Rules 3.1 for all Natural Areas with wording having the following effect:

"....., and

 - avoid any plants in the Threatened and Uncommon Plants Appendix."

(Or “....., and

– avoid any threatened or uncommon plants listed in Stanley, de Lange, and Cameron 2005 (*Auckland Botanical Society Journal* 60 (2): 152 – 157)” as a less preferred alternative).

14. Replace “any species known to be threatened or endangered” in the assessment criteria for Vegetation Alteration and Earthworks Rules for all Natural Areas with “any plants in the Threatened or Uncommon Plants Appendix”

(Or “any threatened or uncommon plants listed in Stanley, de Lange, and Cameron 2005 (*Auckland Botanical Society Journal* 60 (2): 152 – 157)” as a less preferred alternative).

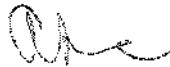
15. I seek such further or other relief that may be appropriate in the circumstances.

16. Costs.

17. **Preferred Approach to Settlement**

Given that Waitakere City Council acknowledged the importance of Point 6 of my original submission in its Decision on Proposed Plan Change 12 by making amendments that partly address the issue, I anticipate that this matter could be quickly settled through negotiation or mediation.

Signed by:



Anne Beverley Grace

Dated at Auckland this 24th day of March 2006

Address for Service of Appellant

Anne Grace
202 Forest Hill Road
Henderson
WAITAKERE CITY

Telephone: 09 814 9907

Fax 09 814 9907

No e-mail available

ANNEXURES:

- A. Copy of submissions and further submissions to which appeal relates.
- B. Copy of Waitakere City Council’s decision on Proposed Plan Change 12.
- C. Copy of Stanley, de Lange, and Cameron 2005 (*Auckland Botanical Society Journal* 60 (2): 152 – 157).
- D. Names and addresses of persons to be served with a copy of this appeal.

The copy of this notice served on you does not attach a copy of Annexures A, B, and C. These documents may be obtained on request from the appellant.

A10

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 on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 30 working days after this notice was lodged with the Environment Court.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

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

The copy of this notice served on you does not attach 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 Unit of the Department for Courts in Auckland, Wellington, or Christchurch.

Contact details of Environment Court for lodging documents

Documents may be lodged with the Environment Court by lodging them with the Registrar.

The Auckland address of the Environment Court is:

8th Floor, District Court Building
3 Kingston Street
Auckland

Its postal address is:

PO Box 7147
Wellesley Street
Auckland

And its telephone and fax numbers are:

Telephone: (09) 916 9091
Fax: (09) 916 9090

All

Annexure D
Names and Addresses of Persons to be Served with a Copy of this Appeal

Harry O'Rourke
Chief Executive Officer
Waitakere City Council
Private Bag 93 109
Waitakere City

Watercare Services Ltd
Private Bag 92 802
Penrose
Auckland
Attn: Alistair Shanks

H D Jarvis
Manager, Policy Implementation
Auckland Regional Council
Private Bag 92 012
Auckland

Te Atatu Residents' and Ratepayers' Association Incorporated
2/212 Te Atatu Road
Te Atatu South
Waitakere City

Department of Conservation
Private Bag 68 908
Newton
Auckland

20 03 2006
Philip Brown

ENVIRONMENT COURT

ENV A 0026/06
(Cross Reference: ENV A
0026/04 - Interim Decision No.
A 05/2006)

IN THE MATTER

of an appeal pursuant to clause
14(1) of the First Schedule of the
Resource Management Act 1991

BETWEEN

TE ATATU RESIDENTS'
AND RATEPAYERS'
ASSOCIATION
INCORPORATED

Appellant

AND

WAITAKERE CITY
COUNCIL

Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON
PROPOSED PLAN CHANGE 12, WAITAKERE CITY DISTRICT PLAN**

Dated: 16 March 2006

A13

TO: The Registrar
Environment Court
Auckland

- 1 Te Atatu Residents' and Ratepayers' Association Incorporated ("the Association") appeals against a decision of Waitakere City Council ("the Council") on the following: Proposed Plan Change 12, Open Space Environment Provisions, Waitakere City District Plan ("Proposed Plan Change 12").
- 2 The Association made submissions and further submissions on Proposed Plan Change 12 (Annexure A).
- 3 The decision on Proposed Plan Change 12 was publicly notified on 8 December 2005. The Association received this decision on 24 December 2005. However, the decision circulated contained errors and a corrected version was subsequently received by the Association on 13 February 2006 and publicly notified on 14 February 2006 (Annexure B).
- 4 The decision was made by Waitakere City Council's Planning and Regulatory Committee acting under delegated powers.

The Decision that the Association is Appealing:

5. Proposed Plan Change 12 seeks to amend the provisions relating to the Open Space Environment in the Waitakere City District Plan by including new policies and definitions for park activities, amending the provisions for written consents and notification, amending the Natural Areas Rules and assessment criteria, replacing Open Space Environment Rules 2, 3, 4, 5, 6, 7, and 11 and amending Rules 9 and 10 (Annexure C).
6. The Association opposed the entire plan change and sought for it to be withdrawn or amended. The Association is now appealing the decision on its submissions. In particular (but without limiting the generality of the appeal), the Association is appealing:
 - (a) the decision to include amendments to the provisions relating to written consents and notification;
 - (b) the decision to exclude a definition of "Resource Protection" activities in the City Wide Rules;
 - (c) the decision to exclude provisions proposed by the Association relating to Harbourview-Orangihina, Te Atatu Peninsula.
7. A substantial part of the Association's appeal against the decision on Proposed Plan Change 12 relates to the Association's reference to the Environment Court on Proposed Plan Change 2 ENV A 0026/04 which was heard at Auckland on 5 and 6 December 2005.

8. Proposed Plan Change 2 applies to the southern and north western parts of the Harbourview-Orangihina land (approximately 41.4ha). The Council's decision on Proposed Plan Change 2 provided for: re-identification from Harbour View South Special Area to Marae Special Area (2.5 ha) with a new Policy 11.32 and Special Area Rule 21; re-identification from Living Environment (4.3 ha) and Harbour View South Special Area to Open Space Environment for the remainder of the land; removal of the application of Policy 11.25 to the subject land; and deletion of Special Area Rule 7.
9. The scope of Proposed Plan Change 2 was described in the Section 32 Analysis (page 28), "The Proposed Plan Change 2 to re-identify Living Environment and Harbour View South land does not involve the adoption of any new [S. 32 analysis's underlining] objective, policy or method." Consequently, the Association did not seek relief involving a new policy and a new Open Space Environment rule to apply specifically to the Harbourview-Orangihina land.
10. In response to the submissions seeking deletion of the proposed Marae Special Area identification, Waitakere City Council decided to introduce a new Policy 11.32 and a new Special Area Rule 21 applying to the Te Atatu Marae but they did not respond similarly to the Association's submissions opposing the proposed Open Space Environment identification because of the perceived unacceptability of the application of the Open Space Environment Rules to the Harbourview – Orangihina resources.
11. The Association's Appeal on Proposed Plan Change 2 sought the deletion of the Marae Special Area and deletion of new Policy 11.32 and new Special Area Rule 21, and for the re-identification of the site as Harbour View Park Special Area together with a new Policy 11.25, a new Special Area Rule 7, and associated concept plan.
12. Proposed Plan Change 12 relates to all of the Open Space Environment and has provided an opportunity for Te Atatu Residents' and Ratepayers' Association Inc. to seek relief for a new policy and a new Open Space Environment rule to apply specifically to all of the Harbourview-Orangihina land (82.9503 ha), as an alternative to part of the relief sought by the Association in its reference ENV A 0026/04.

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The Reasons For this Appeal are as Follows:

13. The Respondent failed to have due regard to the submissions and evidence presented by the Appellant at the hearing on this matter. Particular concerns are:
 - (i) That the Association's submissions and relief sought in relation to the sustainable management of resources at Harbourview-Orangihina were all rejected because "the Committee considers that matters seeking specific changes to the land in the Harbourview-Orangihina Park are outside the scope of Plan Change 12 as the Environment Court will determine that as part of the outcome of the current appeal against Plan Change 2 (ENV A0026/05) [*sic in originali*] relating to this land." (see pages 22 and 25 of the Decision Notice, Annexure B);
 - (ii) That members of the decision-making committee were not supplied with a copy of Proposed Plan Change 12 for their reference at the hearing (see Annexure D), and consequently, they could not have understood the officers' report Appendix A "Table of Changes to the Text of Proposed Plan Change 12", being the officers' recommendations for amendments to the District Plan arising from the submissions.
14. The decision is challenged on the grounds that Section 32 of the Resource Management Act 1991 ("RMA") has not been complied with, noting that the Council's decision fails to provide a further evaluation (required by Section 32 (2) of the Act) and to take into account the matters stated in the new Section 32 and 32A substituted by the Resource Management Amendment Act 2003 (page 8 of the decision notice). The initial Section 32 evaluation was not supplied to the Committee members for consideration at the hearing of and deliberations on the submissions on Proposed Plan Change 12 (see Annexure D).
15. The Council's decision on Proposed Plan Change 12 does not promote the sustainable management of natural and physical resources and otherwise conflicts with the Purpose and Principles of the RMA (Part II).
16. Most of the outstanding and significant natural and physical resources, including amenity value, of Waitakere City are contained within public "reserves" identified as Open Space Environment in the District Plan. The sustainable management of these resources should entail the preservation and protection of these resources for the benefit of the public/future generations, being the primary function of "reserves", with development and use only occurring when it is compatible with this function. It is the Association's view that activities involving the preservation and protection of resources on public reserve land should be facilitated by provisions in the District Plan, whilst development and use should be managed with extreme care to ensure that the important resources are not compromised.
17. The application of a precautionary approach to resource management is particularly appropriate for public reserve land.

18. Proposed Plan Change 12 fails to provide certainty of environmental outcomes for land and resource features which are highly valued by the public and which will be even more valued by future generations as the beneficiaries of reserves.
19. Proposed Plan Change 12 seeks to “fast-track” the implementation of activities desired by the land administrators/park service providers, including Waitakere City Council, without appropriate consultation.
20. Proposed Plan Change 12 establishes a framework which accords less stringent regulation of the activities of public landowners/managers than it does for private landowners whose land may contain resources with similar or identical qualities, significance and values.
21. The provisions of Proposed Plan Change 12 could enable the introduction of developments and uses in the Open Space Environment (including activities not provided for in an operative reserve management plan) as Permitted Activities or Limited Discretionary Activities or Discretionary Activities that have the potential to cause significant adverse effects without undergoing the appropriate assessment and consultation contemplated by the RMA. For example: “Parks Facilities”, including 5m high buildings less than 100m² gross floor area, could be established on up to 5% of a site and located almost anywhere in the General Natural Area; and “Parks Infrastructure”, including driveways and pathways, could be established on up to 10% of a site and located almost anywhere in the General Natural Area as Permitted Activities. In addition, even though an activity may be Limited Discretionary or Discretionary, if the activity is provided for in an operative reserve management plan, an approved concept plan or landscape design or planting plan, it has a presumption that it will be processed on a non-notified basis.
22. The Open Space Environment provisions provide little certainty of the extent or nature of activities that may occur. Proposed Plan Change 12 establishes a framework which potentially could be used by Waitakere City Council as the owner/developer/manager of public land containing important resources, to propose inappropriate developments and uses and approve them in its capacity as regulator under the RMA, without the scrutiny of independent professionals and the public.
23. At some park locations, including Harbourview-Orangihina, Proposed Plan Change 12 fails to give effect to aspects of the New Zealand Coastal Policy Statement 1994 and is inconsistent with the provisions of the Auckland Regional Policy Statement 1999 (particularly Chapter 1 requirements for integrated management and precautionary approach, Chapter 6 Heritage, Chapter 7 Coastal Environment, Chapter 12 Soil Conservation) and the Proposed Auckland Regional Plan – Coastal 1995) (Section 75 (2) RMA).

24. When applied to specific park locations, including Harbourview-Orangihina, Proposed Plan Change 12 fails to have regard to the actual and potential effects on the environment of activities (Section 76 (3) RMA).
25. Proposed Plan Change 12 is contrary to the Council's functions pursuant to Section 31 (1) of the RMA when applied to specific park locations, including Harbourview-Orangihina.
26. The proposed provisions relating to notification/non-notification of resource consents are not necessary or desirable because they signal the increased likelihood for reducing or eliminating consultation over land that is managed on behalf of the public. Sections 93 and 94 of RMA are adequate.
27. Proposed Plan Change 12 fails to define "reserve management plan" so that any plan pertaining to a park or reserve, or part thereof, could be considered to be a "reserve management plan".
28. The landowners/managers preparing reserve management plans are not compelled to take into account or reflect in the final plans the opinion of affected parties, including the public, even when consultation is required to take place.
29. Management plans prepared under the Local Government Act 1974 or voluntarily, concept plans, landscape designs and planting plans can be prepared or amended by owners/managers of Open Space Environment without scrutiny/reference to the public and without regard for the provisions of the Act, including the preparation of assessments of environmental effects commensurate with the scale and significance of the proposed activities.
30. The process for preparation and amendment of management plans under the Reserves Act 1977 does not require consideration of RMA issues and is different from the RMA consultative process, particularly in that it does not provide for the right of appeal to the Environment Court. Therefore, the reliance on reserve management plans as a tool for managing resources in the Open Space Environment as provided for in Proposed Plan Change 12 does not give sufficient certainty that adverse effects will be avoided, remedied or mitigated.

In particular, but without limiting the generality of the above, in relation to Harbourview-Orangihina:

31. The decision fails to manage the use, development and protection of the resources in a way, and at a rate, which enables the people and community of Waitakere City (and the Auckland region) to provide for their social, economic and cultural well-being and for their health and safety:
 - (a) as determined objectively through public consultation and subjectively through community initiatives;
 - (b) as promised and confirmed by Waitakere City Council through its resolutions of 25.10.00 (Open Space reserve, no marae) and 29.5.01 (People's Park (no commercial development) as proposed by the Association); and
 - (c) as further confirmed by the Council in approving, promoting, advertising, invoicing ratepayers and receiving payment of a People's Park Uniform Charge.
32. The final management plan for Harbourview-Orangihina, is a recreation plan prepared under Section 601 of the Local Government Act 1974. The Council's regulatory committee has determined that it does not have the ability to assess or modify this management plan to ensure compatibility/ compliance with the Act.
33. The Council/City Development Committee failed to have due regard to the submissions and evidence presented by the Appellant and other submitters at the hearing of submissions on the Draft Harbour View People's Park Open Space Management Plan, the final version of this plan being the Harbourview-Orangihina Open Space Management Plan, which was published *circa* February 2004.
34. Some developments and uses proposed in the Harbourview-Orangihina Open Space Management Plan, including, but not limited to, a marae with buildings and servicing infrastructure, a transportation centre, roads and pathways, impermeable surfaces, a stairway and planting, will have more than minor adverse effects on important and valued resources.
35. The decision fails to avoid, remedy or mitigate the adverse effects on the environment caused by the activities contemplated by the Harbourview-Orangihina Open Space Management Plan, including the marae buildings and use, infrastructure, the transportation centre, and all other development except for basic public access for low impact recreational use and toilets.
36. Under Proposed Plan Change 12, the developments and uses possible as Permitted Activities or Limited Discretionary Activities or Discretionary Activities in the Open Space Environment are more extensive than those proposed specifically in the Harbourview-Orangihina Open Space Management Plan and have the potential to cause more than minor adverse effects on outstanding/significant resources. Some of these activities could be undertaken without public consultation.

37. Examples of development that could occur as Permitted Activities at Harbourview-Orangihina are:
- (a) on the upper terrace (Open Space Environment/General Natural Area) – more than 300 small buildings/structures with servicing driveways, like the existing Te Atatu Pony Club facilities, including club rooms, tourist chalets, souvenir kiosks, classrooms, community housing and facilities, some of the marae buildings proposed in 2000 located inside and outside the Marae Special Area of Proposed Plan Change 2; tree planting; and sports structures;
 - (b) on the escarpment and lower terrace (Open Space Environment/Coastal Natural Area) – park furniture and signs; unformed pathways; limited numbers of small buildings e.g., shelters, boatsheds and marae-associated facilities (as proposed in 2000); and possibly sports structures.
38. The use of a new policy and a new rule with associated concept plan, applying to Harbourview-Orangihina, and the protection of specific resources as proposed by the Association would address the problems identified by the Association and would provide better outcomes in terms of the Act.
39. Such other reasons as are given in the Association’s full submissions and evidence presented at the hearings.

The Association Seeks the Following Relief:

40. That the amendments proposed by Plan Change 12 for Resource Consents (page 2, Appendix 1 of the Decision Notice) Written Consents and Notification be deleted, except as follows:
- “For *Discretionary Activity* applications seeking *resource consent* in respect of the following matters, applications will be notified.
- *Development in the Open Space Environment.*”
41. The Association seeks the deletion of all references in the Waitakere City District Plan to policy documents/plans that have not been subjected to rigorous testing via RMA processes, including, but not limited to, land administrators’ “operative reserve management plans”, marae concepts/ development plans, concept plans, landscape designs and planting plans.

42. That Resource Protection activities be recognized and facilitated in the Waitakere City District Plan by providing for “*Resource Protection* in the Open Space Environment” as a permitted activity in the Rules for all Natural Areas and including the following Definition in the City Wide Rules:

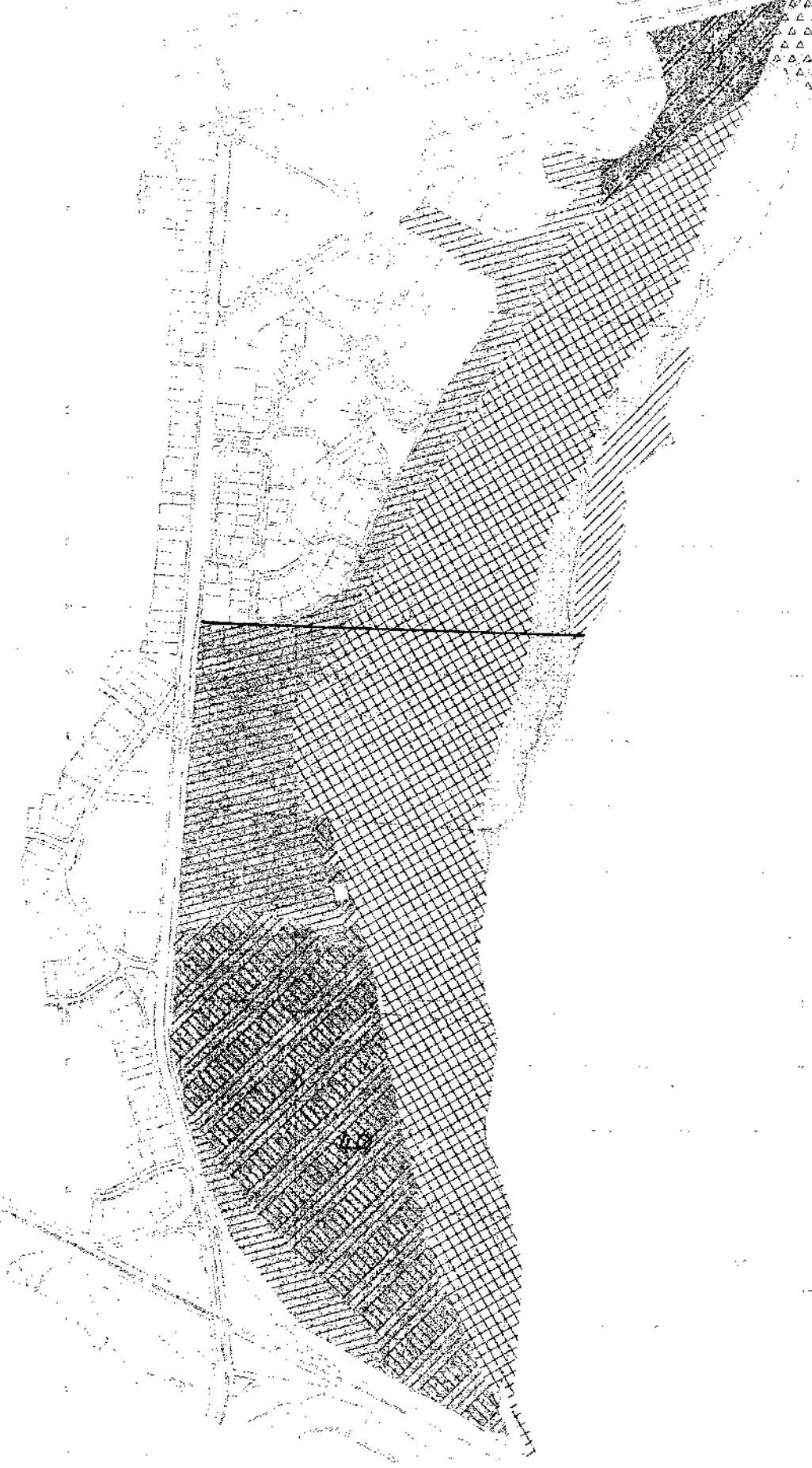
– “*Resource Protection*”

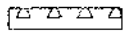
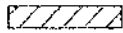
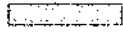
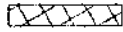



“Activities which maintain the intrinsic values of natural and cultural heritage resources, including, but not limited to:
 non-invasive/non-destructive monitoring of the condition of a resource or a natural process;
 removal/destruction of exotic plants and animals, except where plants have historic significance;
 removal/destruction of planted native vegetation, including trees and their naturalized progeny, if the plants have not been propagated from naturally occurring indigenous species located within 300m of the planting site;
 habitat management for scarce plant species, including vegetation clearance and/or tree removal;
 introduction of fencing to exclude stock, people, dogs, etc. from areas containing important resources;
 planting of non-invasive exotic species for soil conservation purposes;
 reinstatement of natural water levels in wetland habitats and waterways;
 vegetation management to maintain the significant public views identified in Appendix K Views;
 vegetation management on historic heritage sites;
 conservation and restoration of historic heritage buildings and features;
 the exclusion of dogs and people from Sites of Special Wildlife Interest rated Moderate- High or High and from sensitive vegetation and ecosystems.

In relation to Harbour View – Orangihina:

43. That the landform, consisting of 2 marine terrace surfaces (demonstrating former sea levels) and an ancient coastal cliff, be shown on Map 3.5 D and listed as an outstanding landform in Appendix H Outstanding Natural Features with wording as follows:

Name	Description	Location	Area Map	No.
Harbour View Marine Terraces	The best remaining example of these two terraces (ancient sea levels) and coastal cliff without development.	Bounded by the coast, the north western motorway, Te Atatu Road, and the southern limit of Harbour View Estate.	Te Atatu Peninsula	40.



-  hard fill
-  coastal muddy sand
-  coastal mud
-  alluvium (lower terrace)
-  pumiceous older alluvium
-  oldest alluvium
-  waitemata group fine sandstone and mudstone

Outstanding Natural Feature

mcla

harbour view people's park

Project Number	MC0112.2
Client	Waitakere City Council
Drawing Title	Geological Features
Date	29 January 2002
Scale	1:4000(A2) 1:6000(A3)
Drawing Number	MC02
Revision Number	-
Drawing Status	DRAFT FOR REVIEW

Professional Geospatial Information Practitioner 2002

A22



And That proposed Open Space Rule 6 be amended by adding “, Outstanding Landform, or Geopreservation Site” to ensure equal status with “sensitive ridges” and “headlands/cliffs/scarps”.

44. That the rural heritage landscape of the upper terrace and the historic macrocarpa trees be listed in the Heritage Appendix and provision be made for their protection.
45. That all heritage features at Harbourview-Orangihina, including the middens and the waahi tapu, the ensilage pit, and the concrete foundations (windmill) be listed in the Heritage Appendix and be preserved and protected.
46. The upper terrace be identified as a natural sensitive ridge (headland/cliff/scarp) as shown on the attached map.
47. That provision be made in the plan to protect Views 43 and 44 Appendix K Views and the view(s) using the park pasture as an important foreground - to the North Shore, the historic farmhouse and macrocarpa trees, the CBD, etc., from Te Atatu Road between the southern extent of the development north of the Gloria Avenue roundabout (Harbour View residential estate) and the Pony Club house.
48. If the final decision on ENV A 0026/04 is that the Harbour View - Orangihina land be identified as Open Space Environment on Human Environments Maps D9 and D10 of the Waitakere City District Plan, that a new Policy 12.10 and a new Open Space Environment Rule 12 applying to the 82.9503 ha Harbourview – Orangihina be included in the Waitakere City District Plan, with wording to the following effect:

“Policy 12.10

The fundamental purpose of Harbour View - Orangihina Park shall be the perpetual preservation and protection of all the natural and cultural heritage resources, principally for the benefit of future generations.

A precautionary approach shall be taken in the development and use of the Harbour View - Orangihina Park.

The development, use and management of the park shall be consistent with the preservation and protection of the resource values of the adjoining coastal marine area (identified in the Auckland Regional Policy Statement 1999 and the Auckland Regional Plan - Coastal) in order to achieve the integrated approach required by the Auckland Regional Policy Statement 1999.

A range of park activities may be located and carried out within the Harbour View - Orangihina Park provided that no development, use or activity permitted by the concept plan shall disturb the following:

- the natural character of the coastal environment and coastal marine area;
- outstanding natural features and the landscape elements/landform;
- the expansive open space rural landscape character;
- the panoramic views, including the views from Te Atatu Road and the notable public views as set out in Appendix K and shown on Map 3.6 (e);
- the indigenous biological diversity of significant vegetation and the coastal marine - wetland ecosystem and the intrinsic values of this ecosystem;
- the wading bird roosting areas;
- archaeological sites;
- waahi tapu;
- historic heritage sites, including the rural heritage landscape;
- the ability of the general public to appreciate and enjoy the resources;
- public safety;
- the potential to meet the needs of future generations.

Explanation

The Harbour View - Orangihina Park is an area of land on Te Atatu Peninsula which has been set aside by Waitakere City Council for the development of a great park in accordance with the wishes of the majority of citizens. The park contains a microcosm of Waitakere City's history from 17 million years ago. It has the potential to provide a venue where the public can appreciate and enjoy the exceptional range of resources in perpetuity.

The vision for the park is:

"To create a park which retains the natural open space character and natural and cultural heritage resources of all the undeveloped land at Harbour View for the perpetual enjoyment of the people of Waitakere City and the Auckland region."

The **guiding principles** for the park's development and use include:

- to protect all of the remaining land in perpetuity as public open space (a park);
- to protect the landform and coastal environment;
- to protect, extend and rehabilitate the wetland and natural coastal vegetation, using ecologically acceptable methods (50 year time frame);
- to protect the bird roosting sites;
- to protect the Maori middens and waahi tapu;
- to protect the brick house in the north and the wooden house opposite Gloria Avenue;
- to protect the panoramic views, including those from outside the park which use the park as a foreground;
- to avoid permanent development in areas that are subject to Treaty of Waitangi claims;
- to use sustainable environmental design, wherever possible;
- to provide for a wide variety of resource-based, mainly unorganised, recreational activities, e.g., walking, relaxing, picnicking, kite-flying, unpowered model aircraft, photography, sightseeing, reading, etc.
- to encourage visitors to appreciate the heritage features of the park with a view to inspiring them to become actively involved in protecting the park and the environment generally (interpretation and education).

49. A new Open Space Rule 12 with wording to the following effect:

“Rule 12 HARBOUR VIEW - ORANGIHINA PARK

12.0 General

The Concept Plan referred to in these rules is the Concept Plan for the Harbour View-Orangihina Park. The Concept Plan identifies the activities for each specified area of the Park.

12.1 Permitted Activities

The following activities are *Permitted Activities* in Harbour View- Orangihina Park without a *resource consent* where they comply in all respects with Policy 12.10, and with the relevant development controls and any other relevant rules in this Plan:

- (a) Existing developments and uses, without expansion or extension unless otherwise permitted.
- (b) In Area A of the Concept Plan (the whole park):
Resource Protection.

Subsidiary park activities including:

- *parks maintenance*, provided that it contributes to the preservation and the protection of the natural and physical resources, and excluding ecosystem restoration by replanting
 - animal pest control
 - security equipment
 - vehicle counters
 - seats, tables, rubbish bins, barbecues, drinking fountains
 - amenity lighting
 - park interpretation and minor information signage
 - picnic, rest and viewing areas including shelters/pavilions to a maximum of 9 sq m, picnic furniture and barbecues, and viewing platforms to a maximum of 50 sq m
 - wetland rehabilitation including reinstating water levels and fencing, and excluding planting
 - planting of vegetation for amenity purposes that will not compromise views or the biological diversity of indigenous vegetation and ecosystems.
 - pedestrian pathways not exceeding 2m in width (on the upper terrace only) and way-marking.
 - the grazing of animals and associated fencing, gates and stiles (on the upper terrace only)
 - removal of buildings, except heritage buildings and sites
 - resource-based recreational, educational and community activities of no more than 4 days duration and having no adverse effects that can be identified 14 days after the end of the activity
 - dog walking (on the upper terrace only).
- (c) In Area B of the Concept Plan:
- Car parking areas for park visitors, extending no more than 20 metres within the park boundary.
- (d) In Area C of the Concept Plan:
- Visitor Reception (including park administration)
 - Education and Interpretation Services.
 - Public toilets

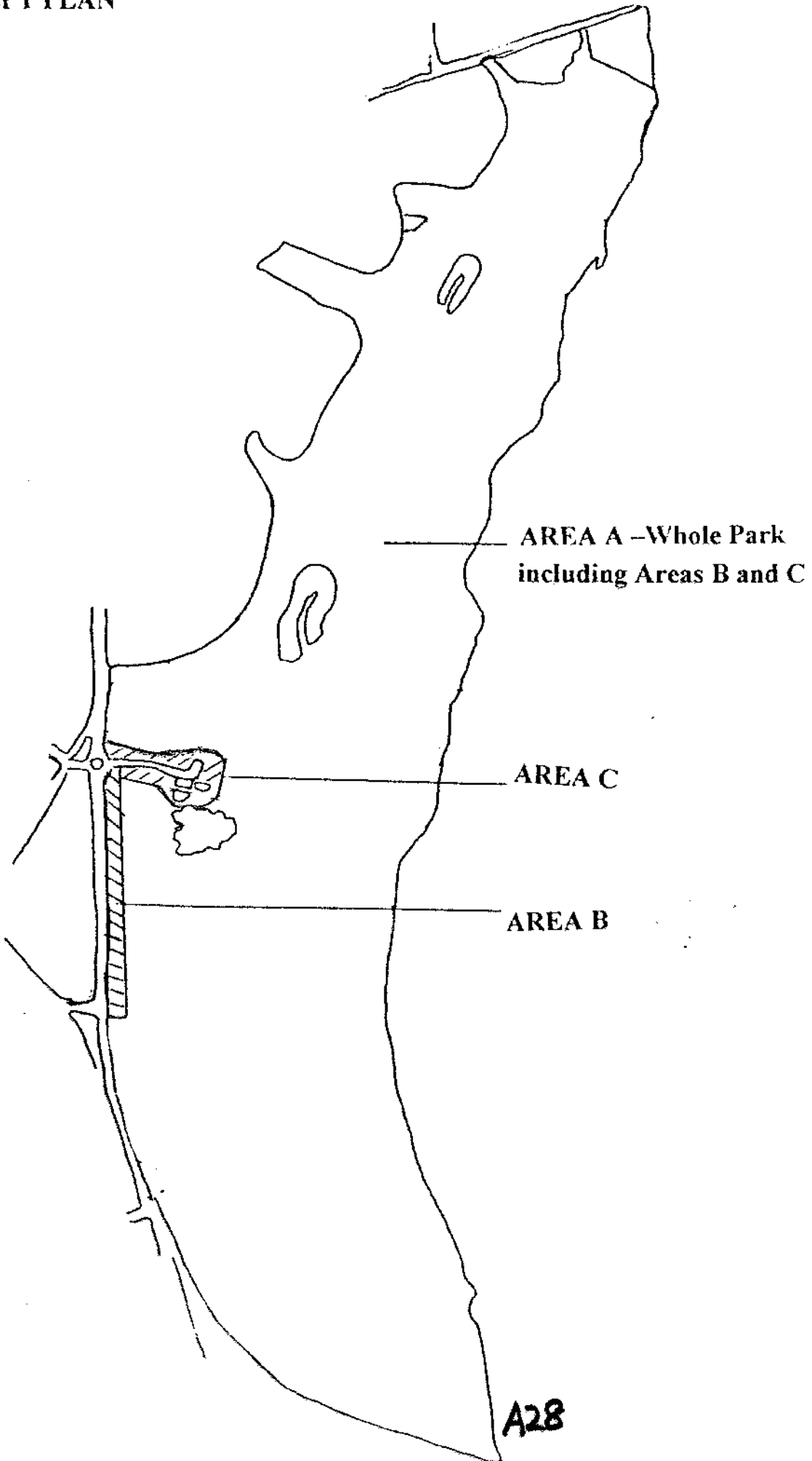
12.2 Non-complying Activities

Any *Activity* which is not a *Permitted Activity* under the above rule and any subdivision shall be deemed to contravene a rule in this plan and shall be a *Non-Complying Activity*.”

Attachment to Rule 12: Harbour View - Orangihina Park Concept Plan.

The “Notes to Rule 12” should read as for Special Area Rule 7.

**HARBOUR VIEW (ORANGIHINA) PARK
CONCEPT PLAN**



50. The Association seeks such further or other relief that may be appropriate in the circumstances.
51. Costs, noting the correspondence at Annexure E.
52. The Association considers that meaningful negotiation or mediation, involving decision-makers from the parties, is necessary to settle the matter or narrow the scope of the issues raised with a view to minimising the potential wasting of resources, particularly in relation to Clause 8 of Decision No. A 05/2006.

Signed by:



Robert W Stanic
President, Te Atatu Residents' and
Ratepayers' Association Inc.

Dated at Auckland this 15th day of March 2006

Address for service of appellant

The President,
Te Atatu Residents' and Ratepayers' Association Inc
7 Annette Avenue
Te Atatu South
WAITAKERE CITY

Telephone: 09 836 4062

Fax 09 836 4078

No e-mail available

ANNEXURES:

- A. Copy of submissions and further submissions to which appeal relates.
- B Copy of Waitakere City Council's decision on Proposed Plan Change 12.
- C Open Space Environment Rules 2, 3, 4, 5, 6, 7, 9, 10, 11, Operative Waitakere City District Plan.
- D Correspondence regarding documents provided to the Planning and Regulatory Committee for the hearing of submissions on Proposed Plan Change 12.
- E Correspondence pertinent to costs (see also Clause 8 Interim Decision A 05/2006).
- F Names and addresses of persons to be served with a copy of this appeal.

The copy of this notice served on you does not attach a copy of Annexures A, B, C, D, and E. These documents may be obtained on request from the appellant.

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 on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 30 working days after this notice was lodged with the Environment Court.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach 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 Unit of the Department for Courts in Auckland, Wellington, or Christchurch.

Contact details of Environment Court for lodging documents

Documents may be lodged with the Environment Court by lodging them with the Registrar.

The Auckland address of the Environment Court is:

8th Floor, District Court Building
3 Kingston Street
Auckland

Its postal address is:

PO Box 7147
Wellesley Street
Auckland

And its telephone and fax numbers are:

Telephone: (09) 916 9091
Fax: (09) 916 9090

Annexure F
Names and Addresses of Persons to be Served with a Copy of this Appeal

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Attn: Alistair Shanks

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Manager, Policy Implementation
Auckland Regional Council
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