

BEFORE THE ENVIRONMENT COURT

ENV-2010-AKL-

IN THE MATTER

of the Resource Management Act

1991

A N D

IN THE MATTER

of an appeal pursuant to Clause 14,

First Schedule of the Act

BETWEEN

CDL Land (NZ) Ltd

Appellant

A N D

AUCKLAND COUNCIL

Respondent

**NOTICE OF APPEAL TO
PROPOSED PLAN CHANGE 35
WAITAKERE DISTRICT PLAN**

**NOTICE OF APPEAL TO THE ENVIRONMENT COURT
AGAINST DECISION ON PROPOSED PLAN CHANGE 35
WAITAKERE DISTRICT PLAN
Clause 14, First Schedule, Resource Management Act 1991**

**TO: The Registrar
 Environment Court
 AUCKLAND**

1. **CDL Land (NZ) Ltd (“the company”)** appeals a decision of Waitakere City Council (now Auckland Council) on Proposed Plan Change 35.
2. **The company made a submission** on Proposed Plan Change 35.
3. **The company received the notice of decision** on 15 October 2010.
4. **The decision was made** by Waitakere City Council (now Auckland Council).
5. **The decision we appeal** is that part of the decision relating to the provision for Local Area Plans and in particular the need and timing for a Local Area Plan for Swanson.
6. **The reasons for the appeal are as follows:**
 - (a) The opportunity at Part 5B.3 Local Area Plans allows the creation of a Local Area Plan for Swanson but this provision has not been acknowledged in the plan change.

- (b) Swanson is a community at the edge and within the Waitakere Ranges Heritage Area that is a mixture of urban, rural residential, rural and conservation land. The Waitakere Ranges Heritage Area Act provides for the use of Local Area Plans to ensure that urban development is properly integrated with the surrounding rural-residential and rural activities to achieve the conservation purpose of the Waitakere Ranges Heritage area.
- (c) Swanson should be included as an area to be subjected to and covered by a Local Area Plan.
- (d) Swanson is a distinct community that is connected directly through the Swanson Railway Station to the urban rail transportation network of Auckland. This obliges the district plan to be conscious of the use of land resources in an efficient and economic manner, particularly when sites like the company's land is within walking distance of the railway station.
- (e) The company's land at 7 Christian Road, Swanson, being Pt. Allotment 124, Parish of Waipareira and containing 6.8 hectares is of easy contour, contains no heritage or natural features of importance and is within 500 metres walking distance of the Swanson Railway Station. This land is ideally suited in regional and district planning terms for use for urban development.
- (f) A Local Area Plan for Swanson Village that includes the company's land that is part of the urban settlement pattern of Swanson should be included in the district plan.
- (g) Accordingly, if provision is not made for the company's land in the manner suggested by including a Swanson Local Area Plan, the plan change will have failed to implement the purpose and principles of the Act, in particular, the provisions of Part 2 with

respect to the sustainable management of the physical resources of the district in relation to the economic wellbeing of the community.

- (h) Without the inclusion of a Swanson Local Area Plan the district plan will have failed to achieve the efficient use and development of the physical resources of Swanson Village within 500 metres walking distance of the Swanson Railway Station.
- (i) It is noted that the s.32 reporting in support of the Plan Change 35 is deficient to the extent that it has not considered the relationship of useable urban land close to the Swanson Railway Station to the purpose and function of the Local Area Plan technique.
- (j) Overall, and in relation to the Swanson setting, Plan Change 35 has failed to provide for the sustainable management of the physical resources available at Swanson that are able to be used for urban development in a manner that is compatible with the Waitakere Ranges Heritage Area intentions. For this reason, Plan Change 35 has failed to meet the purpose and principles of the Act.

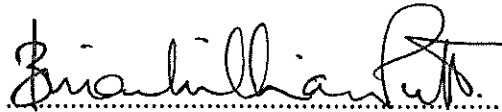
7. The company seeks the following relief:

- (a) Create an opportunity in Part 5B.3 Local Area Plans of the District Plan to provide a heading and contents for the inclusion of a Local Area Plan for Swanson for all land within 500 metres of the Swanson Railway Station.
- (b) Make consequential changes to objectives, policies and maps of the district plan to implement this request.

- (c) These requested changes will also require the Council to initiate a private plan change for the extension of the Auckland Regional Policy Statement Metropolitan Urban Limits Notation to include the company's land and other affected land as part of the future Swanson Local Area Plan.

8. **The following documents** are attached to this notice:

- (a) A copy of the company's original submission.
- (b) A copy of the relevant decision of Waitakere City Council, respondent.
- (c) A list of names and addresses of persons to be served with a copy of the appeal.



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**Brian William Putt authorised to sign on behalf of
CDL Land (NZ) Ltd**

Date: 26 November 2010

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Advice to recipients of copy of notice of appeal

How to become a 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 s.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.

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 for the Environment Court is:

Level 2
41 Federal Street
CX 10086
AUCKLAND

The telephone and fax numbers are:

Telephone: (09) 9169091
Fax: (09) 9169090