

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

**Lodgement: ENV – 2010-
Topic: ENV – 2010 -**

**IN THE MATTER of the Resource Management
Act 1991**

AND

**IN THE MATTER of an appeal against a
decision in respect of
Proposed Plan Change No. 37
to the Waitakere District Plan**

**BETWEEN The Waitakere Ranges
Protection Society
Incorporated**

Appellant

**AND Auckland Council (formerly
Waitakere City District
Council)**

Respondent

NOTICE OF APPEAL

**TO: The Registrar
Environment Court
AUCKLAND**

THE WAITAKERE RANGES PROTECTION SOCIETY INCORPORATED (“the Appellant”) appeals a decision of Waitakere City Council on Proposed Plan Change no. 37 to the Waitakere District Plan (“the Plan Change”).

1. The decision that is being appealed (“the Decision”) was received by the Appellant on or about 18 October 2010.
2. The Decision was made by Waitakere City Council. Under section 35 of the Local Government (Tamaki Makaurau Reorganisation) Act 2009, Auckland Council has assumed the functions, duties and powers of Waitakere City Council.

3. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 ("the Act").
4. This appeal relates to the Plan Change in its entirety
5. The grounds for this appeal are as follows:
 - (a) The Decision and the Plan Change:
 - (i) Do not promote and are not consistent with the purpose and principles of the Act'
 - (ii) Are inappropriate in terms of section 32 of the Act;
 - (iii) Are not consistent with and do not give effect to the relevant national and regional planning instruments;
 - (iv) Will enable the generation of significant adverse effects on the environment.
 - (v) Are inconsistent with and the provisions of the Waitakere Ranges Heritage Area Act 2008.

In particular, but without limiting the generality of the above:

- (b) The Appellant acknowledges that it would be appropriate to introduce into the District Plan provisions that record and recognise the existing character and amenity of Titirangi centre and the importance of maintaining it as a focal point for the community.
- (c) The Appellant otherwise considers that there is no justification or rationale for the proposed policies, rules and assessment criteria in the Plan Change that seek to increase development capacity at Titirangi and to extend the village by way of a "Non residential activity overlay".
- (d) The existing District Plan rules for Titirangi Village are generally achieving sustainable management of and appropriate environmental outcomes for the Village.
- (e) The Plan Change fails to recognise and respond appropriately to the significance of the existing character, amenity standards and

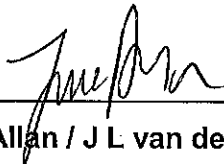
environmental quality of Titirangi Village as a gateway centre to the Waitakere Ranges, and the sensitivity of those values to the potential cumulative effects that could result from:

- (i) Increasing development rights and intensity of activity within Titirangi Village; and
 - (ii) Significantly extending the Village by introducing the proposed Titirangi Non-Residential Activity Overlay.
- (f) Upholding the Plan Change would enable the development of activities in and around Titirangi Village that would generate significant adverse effects on the amenity and qualities of that area.
- (g) The Plan Change fails to recognise or respond appropriately to the landscape values, existing character, amenity standards and environmental quality of Titirangi.
- (h) Upholding the Plan Change would enable the development of activities in Titirangi that would generate significant adverse effects on the amenity and qualities of the area.
6. The Appellant seeks:
- (a) That the Plan Change be disallowed in its entirety;
 - (b) In the event that the relief in (a) above is not upheld, that the Plan Change be allowed only to the extent that it:
 - (i) Introduces into the District Plan provisions that record and recognise the existing character and amenity of Titirangi centre and the importance of maintaining it as a focal point for the community; and
 - (ii) In any event omits the proposed non residential activity overlay.
 - (c) Such other orders, relief or amendments as are considered appropriate, desirable or necessary by the Court to address the concerns set out in this appeal.
 - (d) Costs of and incidental to this appeal.

7. The Appellant attaches the following documents to this Notice of Appeal:
- (a) A copy of the Appellant's submission (**Annexure A**).
 - (b) A copy of the Decision (**Annexure B**).
 - (c) A list of names and addresses of persons to be served with a copy of this Notice (**Annexure C**).

DATED at Auckland this 24th day of November 2010

**The Waitakere Ranges Protection Society
Incorporated** by its solicitors and duly
authorised agents Ellis Gould



D A Allan / J L van den Bergen

ADDRESS FOR SERVICE: The offices of Ellis Gould, Solicitors, Level 31, 23-29
Albert Street, ANZ Centre, PO Box 1509, Auckland, DX CP22003, Auckland,
Telephone: (09) 307-2172, Facsimile: (09) 358-5215.

ANNEXURE A

Copy of the Appellant's submission

ANNEXURE B

Copy of the Decision

ANNEXURE C

Names and addresses of persons to be served with a copy of this notice.

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 or further 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 15 working days after the period for lodging a notice of appeal ends.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 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 attach a copy of the Appellant's submission and 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.

The Auckland address of the Environment Court is:

Specialist Courts and Tribunals Centre
Level 2
41 Federal Street (cnr Wyndham Street)
Auckland 1010
New Zealand

Its postal address is:

DX: CX10086
Auckland
New Zealand

Its telephone and fax numbers are:

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