

**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. 36  
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. 36 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 Resource Management Act ("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.

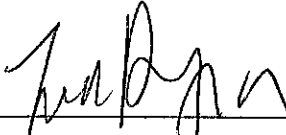
In particular, but without limiting the generality of the above:

- (b) The Society considers that there is no justification or rationale for the proposed policies, rules and assessment criteria in the Plan Change that seek to create further opportunities for non-residential activities to be established within the Waitakere Ranges Heritage Area.
- (c) The Society is in particular opposed to proposed Rule 8A in the Foothills Environment and the proposed amendments to Waitakere Ranges Rule 7, Bush Living Environment Rule 8 and Coastal Villages Environment Rule 8.
- (d) The Plan Change fails to recognise or respond appropriately to the landscape values, existing character, amenity standards and environmental quality of the Waitakere Ranges explicitly identified by the Waitakere Ranges Heritage Area Act 2008. Nor does the Plan Change recognise and respond appropriately to the sensitivity of those values to the actual and potential effects of land use activities (including cumulative effects) within the Waitakere Ranges.

- (e) There is no planning rationale in support of providing additional non-residential activities in the Waitakere Ranges. The Plan Change fails to recognise the proximity of the Waitakere Ranges area as a whole to the Metropolitan Urban Limit (MUL) and existing commercial/retail and employment centres within the urban areas of Waitakere and Auckland City.
  - (f) Upholding the Plan Change would enable the development of activities in the Waitakere Ranges that would generate significant adverse effects on the amenity and qualities of the Waitakere Ranges.
6. The Appellant seeks:
- (a) That the Plan Change be disallowed in its entirety;
  - (b) 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.
  - (c) 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 24<sup>th</sup> 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  
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Its telephone and fax numbers are:

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