

**NOTICE OF APPEAL UNDER CLAUSE 14(1) OF THE  
FIRST SCHEDULE TO THE  
RESOURCE MANAGEMENT ACT 1991**



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**TO:** The Registrar  
Environment Court  
CX10086  
**Auckland**

**FROM:** Auckland Regional Council  
Private Bag 92 012  
**Auckland**

**Name of Appellant**

1. The Auckland Regional Council makes this appeal in relation to decisions of the Waitakere City Council (WCC) on Proposed Plan Change 35 – Waitakere Ranges Heritage Area District Plan Section, Oratia Area Plan, Waiatarua Local Area Plan and Oratia Rural Village (PC35) and Proposed Plan Change 36 – Rural Activities and Social, Cultural and Economic wellbeing of the People and Communities in the Waitakere Ranges Heritage Act (PC36).
2. The Appellant lodged a submission and further submission to PC35 and a submission to PC36.

**Name of Respondent**

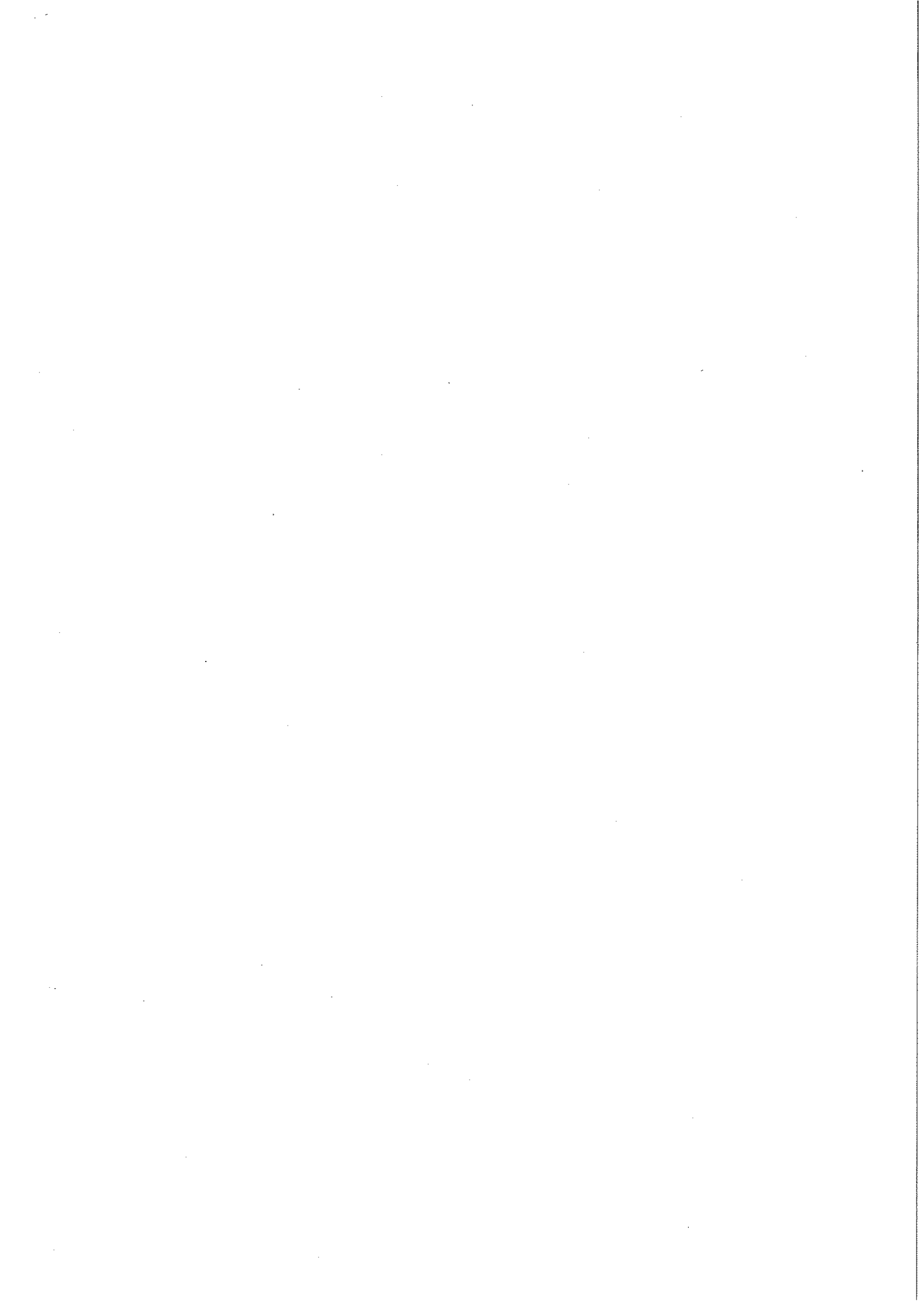
3. The respondent is the WCC.

**Date of receipt of decisions**

4. The Appellant received the notification of the notice of decisions on 14 October 2010.

**Description of subject matter of decision**

5. PC35 and PC36 were introduced to achieve the purpose of the Waitakere Ranges Heritage Area Act 2008 (the Heritage Act).



## Reasons for appeal

6. The purpose of the Heritage Act as outlined in Section 3(1) of the Act, includes:

*"Recognise the national, regional, and local significance of the Waitakere Ranges heritage area, and promote the protection and enhancement of its heritage features for present and future generations."*

As such, this appeal seeks to ensure that PC35 and PC36 achieve the purpose of the Heritage Act and implement the objectives contained within the Act.

### PC35 – Creation of the Oratia Rural Village

7. PC35 introduces provisions which enable the development of the Oratia Rural Village.
8. The proposed Oratia Rural Village will add to the built environment within the local area. At the same time, PC35 will not however, reduce the existing subdivision/development opportunities provided for within the Oratia Structure Plan (OSP). Furthermore, PC35 will not reduce the existing potential for further subdivision/development which exists under the current district plan provisions. The current district plan provisions provide for subdivision outside that provided for within the OSP area as a discretionary activity. To justify the creation of a rural village there must be a reduction, or effectively the consumption of some, of the existing subdivision/development opportunities within the local area.
9. The rural village is in a sensitive location being directly adjacent, but outside the Metropolitan Urban Limits (MUL).
10. Development of a rural village in this location must meet the required Auckland Regional Policy Statement policy tests, including Policy 2.6.2, that it does not impact on the integrity of the MUL and blur what is currently a clear and distinct transition between the rural and urban environment.
11. PC35 requires further certainty as to the form of development that will result. This certainty could be provided through a reduction in the number of buildings and/or a reduction in the area subject to the overlay. Provisions could be introduced to ensure that development outside that provided for as a Limited Discretionary Activity is prohibited; the specific uses able to establish within the rural village could be further controlled; and legal instruments, such as covenants, could be used to ensure the protection of the envisaged open space within the rural village.

### PC35 – Subdivision opportunities for the land within Holden's Triangle

12. PC35 introduces provisions which enable additional subdivision opportunities on the triangle of land between Holden's Road, Forest Hill Road and Pine Avenue, known as Holden's Triangle.

13. The proposed provisions would allow for a density of development in a rural area, adjacent to the MUL, not envisaged or desired within the ARPS or the district plan. A structure planning process or similar is required to be undertaken prior to any change in the density of development envisaged within this area.

#### PC36 – consideration of cumulative effects

14. PC36 introduces a raft of amendments to the existing provisions of the district plan.
15. The Heritage Act objectives require that impacts on the Heritage Area, as a whole, are considered when decisions are made affecting any part of it and that adverse potential or cumulative effects are recognised. There is limited analysis and therefore understanding of the effects of the amendments introduced through PC36.

#### PC36 – Local area planning

16. PC36 is, in part, premature. Local area planning is yet to occur in several communities in which PC36 would apply. PC36 pre-empted the outcomes that may, or may not, be sought by the local community through any future local area planning within area where this process is yet to begin.
17. The Heritage Act does not require local area planning to be undertaken. The Act does however, encourage this occurring.
18. Local area planning is yet to occur within the western section of the Heritage Area including within the communities of Piha, Karekare and Huia.

#### **Relief sought:**

18. That, in relation to PC35, the following amendments are made:
  - a) That greater certainty is provided as to the form of and the uses contained within the proposed Oratia Rural Village, and that the scale of the village is reduced to a level that ensures the provisions give effect to the ARPS and the objectives of the Heritage Act.
  - b) That the form of existing development and subdivision opportunities within the Oratia area is reconfigured to reflect the additional development opportunities proposed through the Oratia Rural Village.
  - c) That no special provision be made for additional subdivision opportunities for land within Holden's Triangle beyond that already provided for within the district plan.
19. That, in relation to PC36, the following amendments are made:
  - a) That greater certainty is provided as to the cumulative effects of this plan change.

b) That amendment to the current district plan provisions, specifically within the western section of the Heritage Area, is not introduced until such time as local area planning has been undertaken.

20. Alternatively, if these amendments are not made, that both PC35 and PC36 be refused.

Signed for and on behalf of the  
**AUCKLAND REGIONAL COUNCIL**



John Smith

**General Manager, Transport & Urban Development**

Dated this 29<sup>th</sup> day of October 2010

**Address for Service:**

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