

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2016-AKL-000229

UNDER the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**)

AND the Resource Management Act 1991 (**RMA**)

IN THE MATTER of an appeal under s156(3) LGATPA against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearing Panel on the proposed Auckland Unitary Plan

BETWEEN **RON WALDEN**

Appellant

AND **AUCKLAND COUNCIL**

Respondent

**NOTICE BY STRAITS PROTECTION SOCIETY INCORPORATED UNDER S274 RESOURCE MANAGEMENT
ACT 1991**

Solicitor Acting

Simpson Dowsett Meggitt
2 Enfield St
Mount Eden
Auckland 1024
t: 09 620 8154
e: Andrew@sdmlaw.co.nz
Attention: Andrew Simpson

Counsel Acting

Rob Enright
Northern Steamship
Level 1, 122 Quay St
Britomart
Auckland 1010
t: 021 276 5787
e: rob@publiclaw9.com

NOTICE OF PERSON'S WISH TO BE PARTY TO PROCEEDINGS

TO: The Registrar
Environment Court
PO Box 7147
Wellesley Street
AUCKLAND
Email: trent.grace@justice.govt.nz

Straits Protection Society Inc (**Society**) wishes to be a party to the following proceedings:

Ron Walden v Auckland Council ENV 2016 AKL000229

An appeal by Ron Walden against decision by Auckland Council to delete the Rural Urban Boundary as it relates to Waiheke Island from the proposed Auckland Unitary Plan (**decision**).

The Society is a person with an interest in the proceedings that is greater than the interest that the general public has. Society members include submitters to the proposed plan, and landowners or occupiers at Waiheke that are affected by the decision. The Society is the applicant in judicial review proceedings in the High Court that challenge the decision.

The Society is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991.

The Society is interested in all of the proceedings.

The Society is interested in the following particular issues:

The Society is interested in all issues raised by the appeal and all parts of the decision for the following reasons:

- (a) The Society supports the reinstatement of the RUB at Waiheke Island. Deletion of the RUB does not give effect to Part 2 RMA values including ss5, 6, 7 and 8 RMA, statutory considerations in the Hauraki Gulf Marine Park Act and New Zealand Coastal Policy Statement, and relevant statutory considerations. Deletion of the RUB results in adverse effects that are not avoided, remedied or mitigated.
- (b) The Society seeks stay of the Environment Court appeal because the outcome of the High Court judicial review proceedings is determinative (or likely to be determinative) as to whether a merits-based appeal is available to the Environment Court on the scope issues raised by the Walden appeal.

The Society supports reinstatement of the RUB as sought by the appeal for the reasons stated above. It is neutral in relation to the site-specific minor modifications sought by the submitter at Waiheke Island.

The Society agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated this 29th day of September 2016



RB Enright

Counsel for Straits Protection Society Inc

Address for service:

Simpson Dowsett Meggitt
2 Enfield St
Mount Eden
Auckland 1024
t: 09 620 8154
e: Andrew@sdmlaw.co.nz
Attention: Andrew Simpson

With copy by email to Counsel:

Rob Enright
rob@publiclaw9.com

Persons served with a copy of this notice:

Respondent Council

Auckland Council by its legal advisors
Email: christian.brown@aucklandcouncil.govt.nz

Appellant

Email: ronwalden@orcon.net.nz