

**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**

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

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**Solicitor Acting**

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## 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 29<sup>th</sup> day of September 2016



**RB Enright**

**Counsel for Straits Protection Society Inc**

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Attention: Andrew Simpson

With copy by email to Counsel:

Rob Enright

[rob@publiclaw9.com](mailto: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](mailto:christian.brown@aucklandcouncil.govt.nz)

Appellant

Email: [ronwalden@orcon.net.nz](mailto:ronwalden@orcon.net.nz)