

**BEFORE THE ENVIRONMENT COURT**

**IN THE MATTER** of the Resource Management Act 1991 (“ the Act”)

**AND**

**IN THE MATTER** of an Appeal pursuant to Section 121 of the (Act)

**BETWEEN** **The Onehunga Enhancement Society  
(Incorporated), The Manukau Harbour  
Restoration Society (Incorporated) and the  
Mangere Bridge Residents and Ratepayers  
Association (Incorporated)  
(Appellants)**

**AND** **Auckland Council  
  
(Respondent)**

**AND** **Watercare Services Limited  
  
(Applicant and Requiring Authority)**

**NOTICE OF APPEAL**

TO: The Registrar  
Environment Court  
Auckland

1. **The Onehunga Enhancement Society (Incorporated), The Manukau Harbour Restoration Society (Incorporated) and the Mangere Bridge Residents and Ratepayers Association (Incorporated)** (“the Appellants”) made submissions (in opposition) to the application for Resource Consents and Notice of Requirement by Watercare Services Limited ( applicant and requiring authority ) to the Auckland Council (“ the respondent”) on an application for Resource Consent approvals to discharge into the Manukau Harbour ( Coastal Area ), (the proposal) (**reference RMA R/LUC/2012/2846,R/LUC/2012/2846/1, PRC 40846 and 40850 .**
2. **Auckland Council** (“the Respondent”) approved the consents, subject to conditions and recommendations.
3. The Respondent’s decision on the consents is dated the 27<sup>th</sup> November, 2013. A copy of a summary of the decision was served on the Appellants on the 3rd day of Dec 2013. A full copy of the decision and conditions was not served on the appellants.
4. On the 20<sup>th</sup> December 2013, following a request from the applicant, the respondent ( Auckland Council ) circulated a copy of amendments to the decision. The respondent stated that the amendments were minor and that these minor amendments did not alter the appeal timeframe.
5. The Appellants are not a trade competitor for the purposes of section 308D of the (Act).
6. The Appellant appeals the decision of the Respondent for the following reasons:
  - (i) That Section 104(1) (b) (v) and (vi) of the (Act) needs to be taken into account in terms of the Proposed Auckland Unitary Plan (PAUP). That it was incorrect to state that little statutory weight should be given to the notified Unitary Plan, especially in terms of Section 86(B)(3 )(a) of the (Act ), where provisions of the Proposed Auckland Unitary Plan(PAUP), which protects or relates to water has immediate legal effect.
  - (ii) The proposal requires consent as a non-complying activity. It passes neither of the gateway tests in Section 104D of the ( Act), as

the effects of the activities ( both non complying and discretionary activities ) will be more than minor and is contrary to the objectives and policies of the relevant planning documents including the PAUP.

- (iii) The granting of these consents will be contrary to relevant statutory documents and associated strategic objectives and policies and rules of the following relevant statutory documents, the New Zealand Coastal Policy Statement (NZCPS) 2010, Auckland Regional Policy Statement (ARPS), Auckland Regional Plan (Coastal) 2004, Auckland Regional Plan: Air, Land and Water (2012), Auckland Council (Isthmus Section and Manukau Section) District Plan and the Proposed Auckland Unitary Plan.
- (iv) The proposal is contrary to the purposes of the Resource Management Act 1991, in terms of Section 5 in particular, it does not enable sustainable management of physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and it will not avoid, remedy, or mitigate any adverse effect on the environment. (Including through any proposed conditions or recommended amendments thereto).
- (v) That one of the stated objectives of the proposed work makes reference to the capacity for growth and development across the “isthmus” and as a consequence has a direct relationship with the strategy and policies of the Proposed Auckland Unitary Plan, in terms of the strategic importance of such a major infrastructure project to satisfy the anticipated growth. As a consequence the provisions of the Proposed Auckland Unitary Plan are required to be taken into account in the decision making process.
- (vi) That although one of the objectives of the project relates to reducing the discharge into the receiving environment ( Waitemata Harbour ), the proposed project and work does not address current or potential discharge into the Manukau Harbour and as a consequence is contrary to the strategies, policies and objectives of the Auckland Regional Policy Statement ,Auckland Regional Plan ( Coastal ) and the New Zealand Coastal Policy Statement.
- (vii) That the consideration of alternative methods of discharge and location was restricted to”practical difficulties “and “cost implications” and no or little consideration was given to the potential adverse environmental effects that a discharge will have on the Manukau Harbour.

- (viii) That the proposal is contrary to the provisions of the (Act) in terms of the inadequate considerations of alternatives (options) and the assessments of the benefits and costs of options.
- (ix) That the proposal does require further consents, in that the proposal falls outside of the scope of the existing designation and conditions of the Mangere Wastewater Treatment Plant.

5. The Appellants seeks the following relief and decision from the Court:

- (i) That the Resource Consents are refused
- (ii) Such further and other relief necessary to give effect to the concerns of the Appellants

Dated


James Jackson (Chairman, the Onehunga Enhancement Society)



Bronwen Turner (Deputy Chair Manukau Harbour Protection Society)



Roger Baldwin (Acting Chair Mangere Bridge Residents and Rate Payers Association)



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**Annexure:**

- (a) A copy of the Appellants submission.
- (b) A copy of the Respondent's (Auckland Council) Decision
- (c) A copy of the Respondent's amended Decision
- (d) A list of the names and address of persons to be served with a copy of this Appeal.