

BEFORE THE ENVIRONMENT COURT

ENV-2008-AKL-

IN THE MATTER of an appeal under section
120 of the Resource
Management Act 1991

BETWEEN **O B HOLDINGS LIMITED**

Appellant

AND **WHANGAREI DISTRICT
COUNCIL**

First Respondent

**KAIPARA DISTRICT
COUNCIL**

Second Respondent

**NORTHLAND REGIONAL
COUNCIL**

Third Respondent

NOTICE OF PERSON'S WISH TO BE A PARTY TO PROCEEDINGS

Section 274, Resource Management Act 1991

ENVIRONMENTAL DEFENCE SOCIETY INCORPORATED (EDS)

To: The Registrar
Environment Court
PO Box 7147
Wellesley Street
AUCKLAND

1. The Environmental Defence Society Incorporated ("EDS") wishes to be a party to the following proceedings:-

ENV-2008-AKL-

O B Holdings Limited v Whangarei District Council & Kaipara District Council & Northland Regional Council

This is an appeal relating to an application for a three-stage subdivision, two boundary adjustments and land use consents required to implement the subdivision application including bush clearance and road construction, and regional consents to stormwater management and water diversion to the Whangarei District Council, Kaipara District Council and Northland Regional Council by O B Holdings Limited for property at 1508 Cove Road, Langs Beach Mangawhai.

2. EDS made a submission in previous proceedings on the same matter.
3. EDS is interested in all parts of the proceedings.
4. EDS is interested in the following particular issues:
 - (a) The Application is contrary to Part II and the purposes and principles of the Resource Management Act 1991 (“the Act”). In particular, but not limited to:-
 - i. It does not sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations in that it proposes unwarranted development in an area of significant or outstanding landscape value;
 - ii. It creates adverse effects arising from 44 lifestyle residential lots that cannot be avoided or sufficiently remedied or mitigated; and
 - iii. It proposes inappropriate subdivision, use and development in an area of outstanding or significant landscape.

(b) The Application is inconsistent with the Whangarei District Plan, particularly, but not limited to, provisions in relation to Amenity Values, Subdivision and Development and Landscape.

(c) The Application is inconsistent with the Kaipara District Plan and Northland Regional Policy Statement and Plans.

(d) The Application is for a scale and intensity of development inappropriate in a significant or outstanding landscape.

(e) The Application is for a proposal that is of a scale and intensity that will have adverse effects on the environment that are more than minor, including (but not limited to):-

i. Adverse effects on the landscape as a result of vegetation removal, earthworks and built structures;

i. Adverse effects on the landscape arising from a clustered approach to development;

ii. Adverse visual effects as a result of the vegetation removal, earthworks and built structures; and

iii. Adverse effects of lights at night and traffic.

(f) The Application will create an adverse precedent for other subdivision applications.

(g) The Application lacks robust covenants against future subdivision in perpetuity.

5. The relief sought by the Appellant is opposed for the reasons set out above, and in particular:-

- (a) The Application does not promote the sustainable management of natural and physical resources;
 - (b) The Application will result in adverse effects which are more than minor and cannot be avoided, mitigated or remedied;
 - (c) The Application is inconsistent with the Whangarei District Plan, Kaipara District Plan and Northland Regional Council Policy Statement and Plans;
 - (d) The Application lacks robust covenants; and
 - (e) The Application was declined by the Respondents.
6. EDS agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Shay Schlaepfer
Solicitor
Environmental Defence Society Inc

10 July 2008

Address for Service of person wishing to be a party:

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Advice: If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington or Christchurch.