

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an appeal under clause 14 of
the First Schedule to the Act

BETWEEN

**WAIHEKE ISLAND AIRPARK
RESORT LIMITED**

ENV-2009-AKL-000346

Appellant

AND

**AUCKLAND COUNCIL (as
successor to Auckland City
Council)**

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge L J Newhook sitting alone under section 279 of the Act

IN CHAMBERS at Auckland

CONSENT ORDER

Introduction

- [1] The Court has read and considered the notice of appeal and the memorandum of the parties dated 8 August 2011.
- [2] This consent order relates to the appeal by Waiheke Island Airpark Resort Limited against the proposed Auckland Council District Plan (Auckland City Hauraki Gulf Islands Section) (Appeal Reference: ENV-2009-AKL-000346).
- [3] The appeal relates to the following topics:
- (a) ENV-2009-304-000457: HGI – Air Transport
 - (b) ENV-2009-304-000469: HGI – Significant ridgelines – site specific
 - (c) ENV-2009-304-000478: HGI – Development controls – building coverage
 - (d) ENV-2009-304-000484: HGI – Land use activities – general



(e) ENV-2009-304-000504: HGI – reclassification of land – landforms – site specific

[4] Waiheke Island Community Planning Group Incorporated and Inga Muller are parties to this appeal under section 274 of the Act and have signed the memorandum of the parties setting out the relief sought.

[5] The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) All relevant parties to the proceedings have executed the memorandum requesting this order;
- (b) All relevant parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2.

Order

[6] Therefore, the Court orders, by consent, that:

- (a) The Auckland Council District Plan (Auckland City Hauraki Gulf Islands Section) is amended as set out in Schedules 1 and 2; and
- (b) The appeal is otherwise dismissed.
- (c) There is no order for costs.

DATED at Auckland this

20th

day of

August

2011



L J Newhook
Environment Judge



SCHEDULE 1

The following is inserted into Appendix 9: Other additional limitations, controls and diagrams of the Auckland Council District Plan (Auckland City Hauraki Gulf Islands Section).

APPENDIX – WAIHEKE AIRPARK

1. No "touch and go" flight training shall be conducted from the airfield.
2. Flying shall be limited to between the hours of Civil Morning Twilight and Civil Evening Twilight, except for emergency (including search and rescue missions).
3. Aircraft shall approach from the south and depart to the south except when conditions make these movements unsafe. The use of the runway to and from the north by fixed wing aircraft noisier than a Britten Norman Islander or helicopters noisier than a Bell Long Ranger is prohibited.
4. Engine operation in association with engine testing at the airfield shall not exceed two minutes duration.
5. The use of the aerodrome shall be so conducted that the noise from any activity shall not exceed a day - night level (Ldn) of 40dBA at the northern boundary of the site (CT 778/205) when averaged over any consecutive seven day period and the noise generated on any one day shall not exceed an Ldn of 43 dBA. Such noise measurements shall be taken at the edge of the northern boundary of the site containing the aerodrome runway
6. All noise measurement shall be undertaken in accordance with NZS6805:1992 Airport Noise Management and Land Use Planning.
7. Aircraft approaching from or taking off to the north are prohibited from over-flying any of the existing residences accessed from Trig Hill Road or the land currently owned by the Royal Forest and Bird Protection Society, except in an emergency. In particular, take-offs and approaches on Vector 35 are not permitted except in an emergency.
8. No helicopter approaches or departures below an altitude of 300 metres above ground level (ag1) shall be permitted within a horizontal distance of 1,000 metres from any residential area.
9. The consent holder shall keep a logbook of all aircraft movements to and from the aerodrome, including a full and complete record of the direction of all take-offs and landings, times of movement and aircraft type and registration particulars.
10. The consent holder shall make the aerodrome log book available to the Council on request.
11. In the event that the Council receives complaints relating to aircraft movements to the north or aircraft noise to the north, the Council may request a noise survey to be undertaken at the cost of the consent holder by a suitably qualified acoustic engineer. The consent holder shall provide the Council with any such report within 20 working days of the request being made.



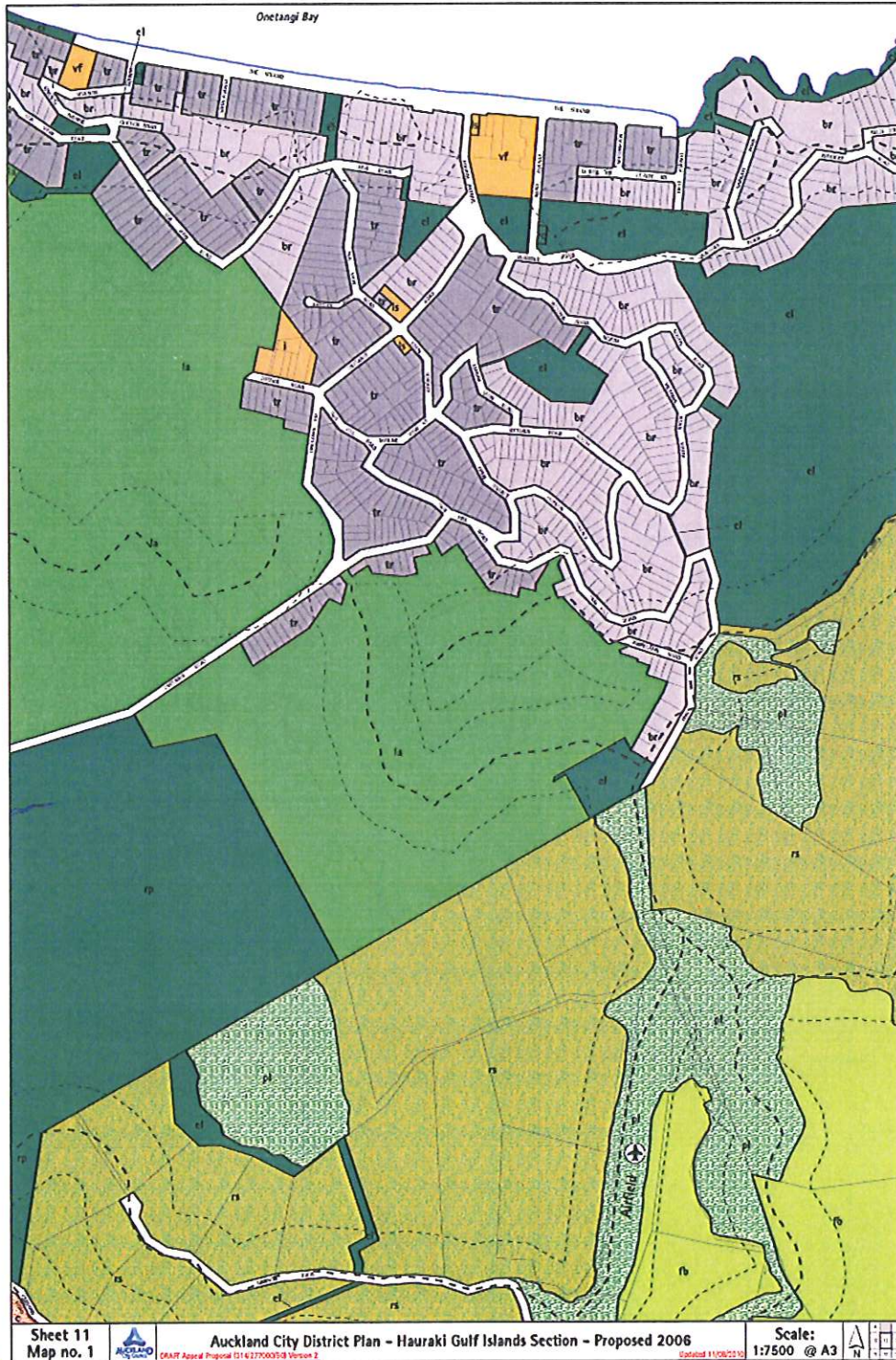
12. Access to the aerodrome from Trig Hill Road shall be prohibited to the public and may be used in times of an emergency by vehicles and persons authorised by the consent holder.



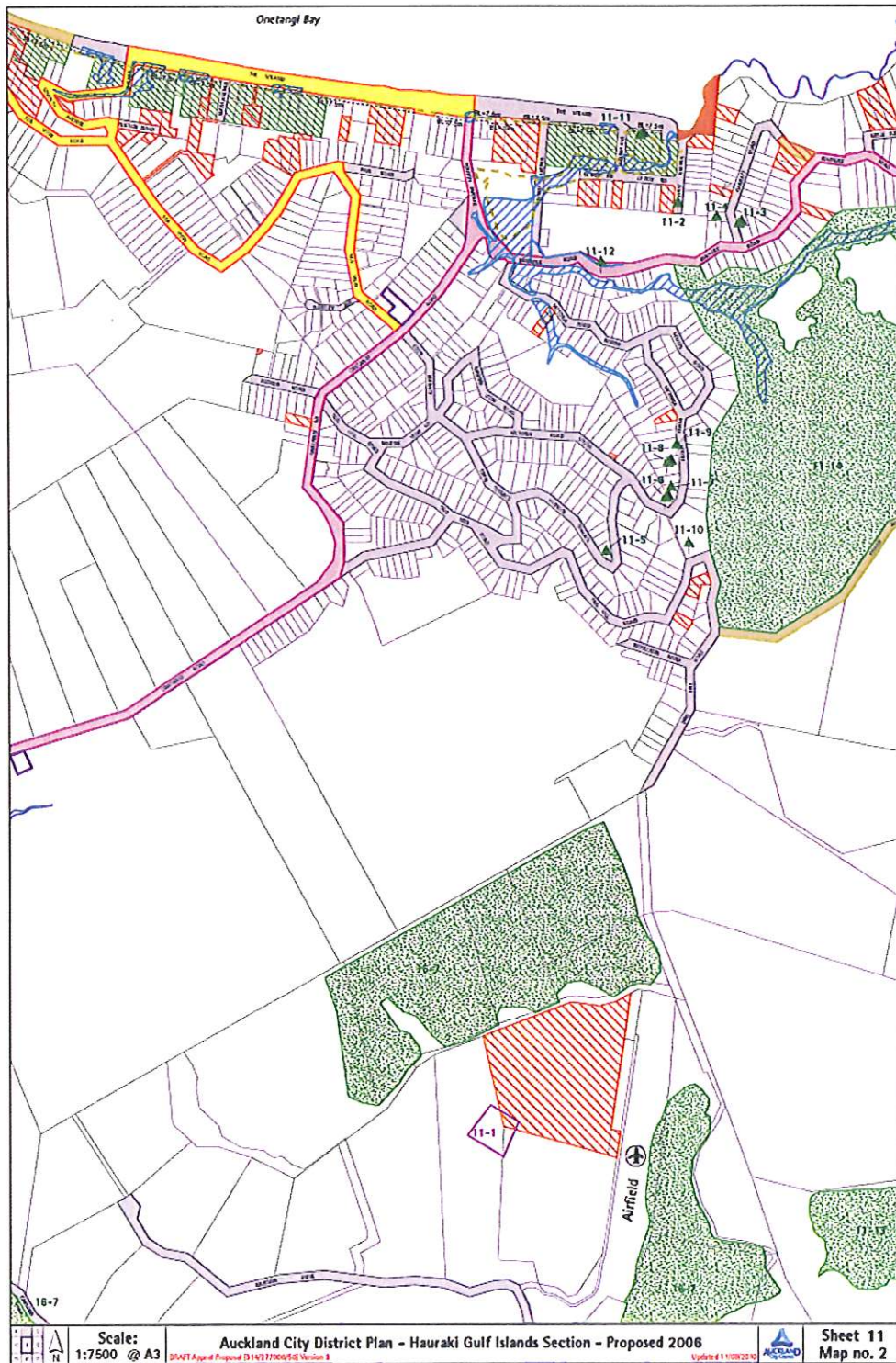
SCHEDULE 2

Map numbers 1 and 2 of sheets 11 and 16 of the planning maps, and the legend to the planning maps of the Auckland Council District Plan (Auckland City Hauraki Gulf Islands Section) are replaced with the following:

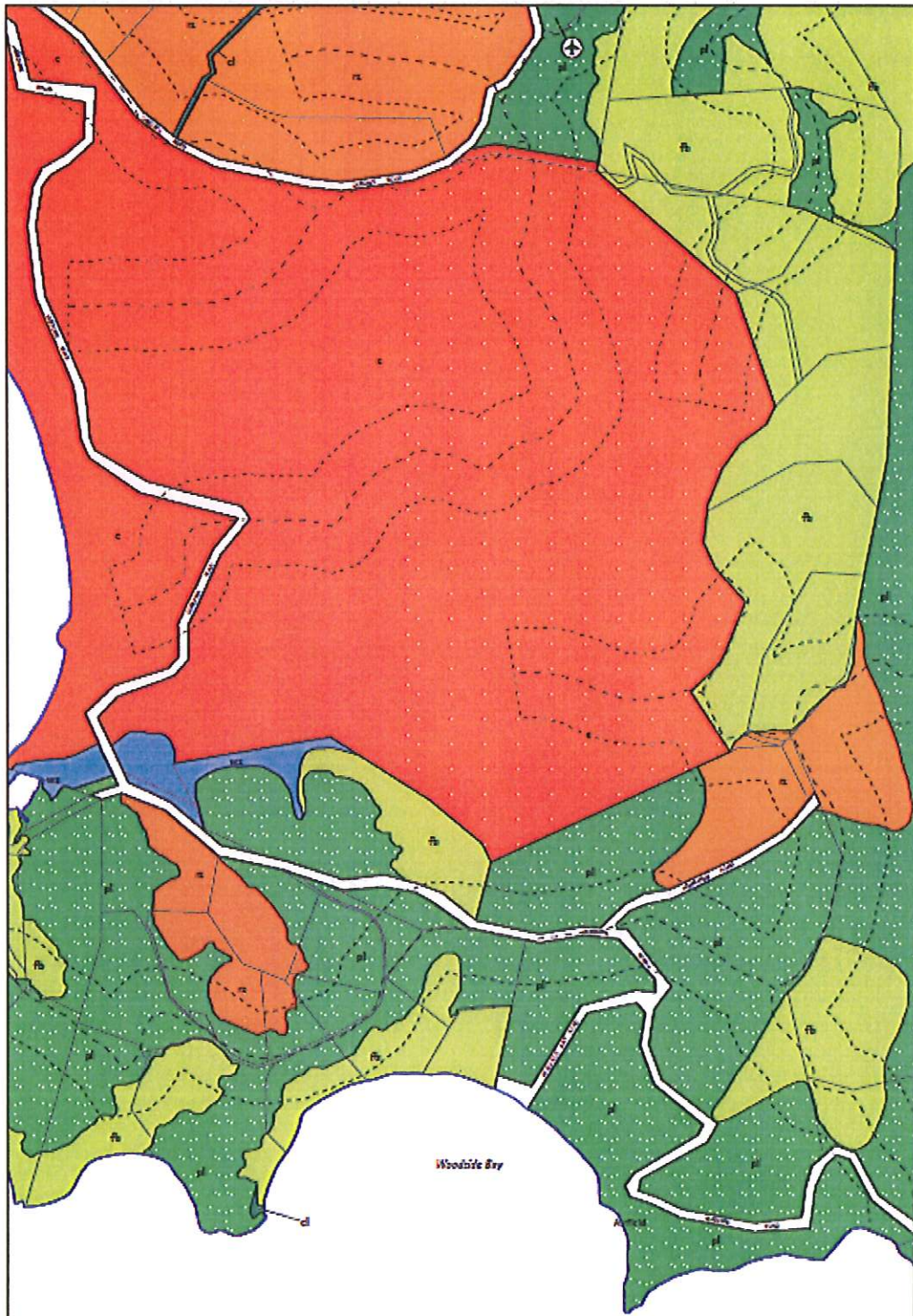
Sheet 11 Map 1



Sheet 11 Map 2



Sheet 16 Map 1



Sheet 16
Map no. 1

 Auckland Council
2007 Regional Proposal (R 4218020) Version 3

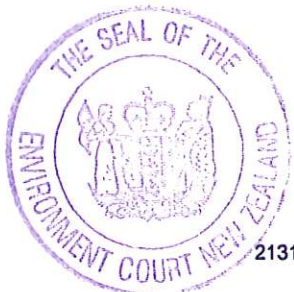
Auckland City District Plan - Hauraki Gulf Islands Section - Proposed 2008
Updated 12/03/08

Scale:
1:7500 @ A3





Sheet 16 Map 2



Auckland City District Plan Hauraki Gulf Islands Section - Proposed 2006

Legend: Inner islands

Map 1	Map 2
Significant ridgeline area Land units Landform 1 (coastal cliffs) Landform 2 (dune systems and sand flats) Landform 3 (alluvial flats) Landform 4 (wetland systems) Landform 5 (productive land) Landform 6 (regenerating slopes) Landform 7 (forest and bush areas) Island residential 1 (traditional residential) Island residential 2 (bush residential) Commercial 1 (Oneroa village) Commercial 2 (Ostend village) Commercial 3 (local shops) Commercial 4 (visitor facilities) Commercial 5 (industrial) Commercial 6 (quarry) Commercial 7 (wharf) Matiatia (gateway) Rural 1 (landscape amenity) Rural 2 (western landscape) Rural 3 (Rakino amenity) Open space 1 (ecology and landscape) Open space 2 (recreation and community facilities) Open space 3 (Rangihoua Park) Open space 4 (marae) Conservation Pakatoa Rotoroa Land unit boundary	<p>10-12 Map reference number</p> <p> Designated land</p> <p>Scheduled items</p> <p> Archaeological site</p> <p> Site surrounds for archaeological site(s)</p> <p> Building, object, property or place of special value</p> <p> Site of ecological significance</p> <p> Geological item</p> <p> Site surrounds for geological item</p> <p> Tree</p> <p> Trees</p> <p>Natural hazard areas</p> <p> Flood prone land – type A flood plain</p> <p> Flood prone land – type B flood plain</p> <p> Soil warning area</p> <p> Soil register area</p> <p> Erosion risk zone</p> <p>Other additional limitations</p> <p> Building restriction yard</p> <p> Coastal amenity area</p> <p> Contaminated or potentially contaminated land</p> <p> Boundary of high noise area</p> <p> Airfield</p> <p>Roading</p> <p> Primary road</p> <p> Secondary road</p> <p> Local road</p> <p> Proposed road</p> <p> Unformed road</p> <p> Unformed road – to be closed</p>
Other	
<p> Property boundary</p> <p> Coast</p> <div style="display: flex; align-items: center; justify-content: center;"> <div style="margin-right: 10px;"> <p>Appeal number: </p> <p>Property boundary: </p> </div> <div style="margin-right: 10px;"> <p>Decision Report number: </p> </div> <div style="text-align: center;"> </div> <div style="margin-left: 10px;"> <p>Indicates where the map has been amended as a consequence of a decision report (buffered area) and/or is the subject of an appeal (hatched areas)</p> </div> </div>	






























Legend – Outer Gulf

Updated 01/06/2011

Auckland City District Plan Hauraki Gulf Islands Section - Proposed 2006

Legend: Outer islands

Map 1	Map 2
<p> Settlement areas</p> <p> Significant ridgeline area</p> <p>Land units</p> <p> Landform 1 (coastal cliffs)</p> <p> Landform 2 (dune systems and sand flats)</p> <p> Landform 3 (alluvial flats)</p> <p> Landform 4 (wetland systems)</p> <p> Landform 5 (productive land)</p> <p> Landform 6 (regenerating slopes)</p> <p> Landform 7 (forest and bush areas)</p> <p> Commercial 7 (wharf)</p> <p> Open space 1 (ecology and landscape)</p> <p> Open space 2 (recreation and community facilities)</p> <p> Conservation</p>	<p>50-4 Map reference number</p> <p> Designated land</p> <p>Scheduled items</p> <p> Archaeological site</p> <p> Building, object, property or place of special value</p> <p> Site of ecological significance</p> <p> Sensitive area</p> <p>Other additional limitations</p> <p> Contaminated or potentially contaminated land</p> <p> Airfield protection fan</p> <p> Airfield noise contour levels</p> <p> Concept Plan</p> <p> Airfield</p> <p>Roading</p> <p> Unformed road</p>
<p>Other</p> <p> Property boundary</p> <p> Coast</p> <p> <small>Appl. number: [1700-1] [2010-1]</small> <small>Property boundary</small> <small>Environ. Report number</small> </p> <p><small>Indicates where the map has been amended as a consequence of a decision report (buffered area) and/or is the subject of an appeal (hatched area)</small></p>	

