

10 September 2010

**COPY FOR YOUR
INFORMATION**



Auckland
Regional Council
TE RAUHĪTANGA TAIAO

The Registrar
Environment Court
CX 10086
Auckland



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Auckland 1142, New Zealand
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www.arc.govt.nz

Re: Auckland Regional Council v Auckland City Council ENV-2009-AKL-000329

Please be advised that the Auckland Regional Council wishes to partially withdraw relief sought in the above appeal.

The ARC has one court appeal number but several Appeal Notices on varying Decision Reports. ARC wished to withdraw relief in the appeal as follows:

- Appeal Notice on the Auckland City District Plan – Proposed Hauraki Gulf Islands Section 2000 relating to:

Decision Report 5 Topic: Resource Management overview and Appendix 10 – HGMPA).

Relief Withdrawn:

Issue 2 of Part 25.5 is amended to reference that the Auckland Regional Policy Statement identifies significant natural features and landscapes.

I attach for convenience a copy of this Notice of Appeal.

Yours faithfully

A handwritten signature in black ink, appearing to be 'L S Fraser'.

L S Fraser
Solicitor

Cc: Auckland City Council
Shawn McAuley, Private Bag 92516, Wellesley Street, Auckland 1141



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**NOTICE OF APPEAL UNDER CLAUSE 14(1) OF THE
FIRST SCHEDULE TO
THE RESOURCE MANAGEMENT ACT 1991**

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TO: The Registrar
Environment Court
P O Box 7147
Wellesley St
Auckland

FROM: Auckland Regional Council
Private Bag 92 012
Auckland

1. The Auckland Regional Council appeals a decision on the following matter:

Auckland City District Plan – Proposed Hauraki Gulf Islands Section 2006 (the Proposed Plan)
2. The appeal relates to the decisions of the Auckland City Council (ACC) on the Proposed Plan, in particular Decision Report 5 (Topic: Resource management overview and Appendix 10 – HGMPA)
3. The Auckland Regional Council (ARC) lodged a submission to the Proposed Plan, as notified, seeking the amendment of Issue 2 of Part 2.5.4 to reference that the Auckland Regional Policy Statement (ARPS) identifies outstanding natural landscapes and features
4. The ARC received notice of the ACC decision on 29 April 2009

Description of decision

5. Decision Report 5 retains Issue 2 of Part 2.5.5 as amended (Part 2.5.4 as notified). The report stated that it was unnecessary to reference in the Proposed Plan what is identified in the ARPS or that the ARPS identifies outstanding natural features and landscapes
6. Decision Report 5 outlined how the Proposed Plan identifies outstanding natural features in other ways, including the identification of the landform 1 (coastal cliffs and slopes) land unit where all activities except ecosourced planting are non-complying activities



7. The Decision Report also highlighted that decisions on the landscape component of Proposed Change 8 to the ARPS (Change 8) have not yet been released, meaning the outstanding natural landscapes identified in Change 8 are not beyond challenge and could change

Reasons for appeal

- 8 Issue 2 of Part 2 5 5 of the Proposed Plan states: *"How to ensure that outstanding natural features and landscapes are protected from inappropriate subdivision, use and development "*
9. Part 2.5 5 does not refer that the Operative ARPS identifies significant natural heritage areas and landscape quality and significant landscape sensitivity in Map Series 2 and 3 respectively
- 10 The ARPS map series 2 (Significant Natural Heritage Areas and Landscape Quality) identifies the quality of landscapes in the region, with those rated 6 or 7 considered to be outstanding and those with a rating of 5 considered to be regionally significant. The map series also identifies significant natural heritage areas. Map series 3 identifies areas of significant landscape sensitivity in the region. Proposed Change 8 to the ARPS identifies outstanding natural landscapes (ONL)
- 11 Areas of landscape quality and significance identified in the ARPS are not confined to land unit 1 or other land units which the Proposed Plan identifies as outstanding natural features.
12. The ARPS is an important strategic document under the Resource Management Act 1991 (RMA) and it is required that district plans give effect to the ARPS. Issue 2 of Part 2 5 5 of the Proposed Plan does not adequately give effect to the ARPS in terms of the identification of significant natural areas and areas of landscape quality and landscape sensitivity.

Relief sought

13. The Auckland Regional Council seeks the following relief:
 - (i) Issue 2 of Part 2 5 5 is amended to reference that the Auckland Regional Policy Statement identifies significant natural features and landscapes
 - (ii) Such other or further consequential relief as appropriate
- 14 The following documents are attached:
 - (a) A copy of the Auckland Regional Council's submission,

- (b) A copy of the Auckland City Council decision report,
- (c) A list of the names and addresses of those persons to be served a copy of this notice.

The other parties may request a copy of the above documents from the appellant

Signed for and on behalf of the
AUCKLAND REGIONAL COUNCIL



John Smith
General Manager
Transport and Urban Development

Dated on the 23rd day of July 2009

Address for Service:

H D Jarvis
Manager Policy Implementation
Auckland Regional Council
Private Bag 92 012
Auckland

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in Form 33) with the Environment Court within 30 working days after this notice was lodged with the Environment Court

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see Form 38)

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the appellant's submission and the part of the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

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

List of names and addresses of parties served a copy of this notice

Name	Address 1	Address 2	Address 3	Address 4
Auckland City Council	Private Bag 92516	Wellesley St	Auckland 1141	
NZ Winegrowers	C/- D McGregor & M Bastisch	Bell Gully	PO Box 4199	Auckland