



6th of May 2009

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Auckland City Council
Private Bag 92516
Wellesley Street
Auckland 1141

Attention: Megan Tyler – Manager - Islands Sector City Planning

Appeal by John Gerald Sutton in Respect of Auckland City District Plan – Hauraki Gulf Islands Section – Proposed 2006

Please find enclosed, by way of service, a copy of the notice of appeal that I filed with the Environment Court today.

I feel that there is scope to resolve this matter through Court directed mediation processes and would like to confirm that I would be willing to participate in such resolution.

If you have any questions in relation to this matter please contact the writer.

Yours faithfully

John Gerald Sutton

pp. Caleb Sutton

Form 7

Notice of appeal to Environment Court against decision on proposed plan

Clause 14(1) of First Schedule, Resource Management Act 1991

To the Registrar
Environment Court
Auckland

1. Name of applicant:

The appellant, John Gerald Sutton, appeals against part of a decision of Auckland City Council on the following plan:

Auckland City District Plan – Hauraki Gulf Islands Section – Proposed 2006

The appellant made submissions (relevant submission numbers 2264/3, 277/1, 3110/1 and 3110/2) on that plan.

2. Date of receipt of decision:

The appellant received notice of the decision on the 4th of May 2009.

3. Name of Authority:

The decision was made by the Auckland City Council.

4. The part of the decision that the appellant is appealing is:

Figure 10b.1 - Tryphena Settlement Area and in particular the Residential Amenity Areas.

Figure 10b.1 excluded the appellant's property (37 Medland Road, Tryphena Great Barrier Island)¹ from the Residential Amenity Area of the Tryphena Settlement Area. The property is located north along Medland Road and is a primarily residential property. The appellant's property is now essentially surrounded by the Tryphena Settlement Area (refer to appendix 1) but is not included itself, despite being free of natural hazard areas and any ecologically sensitive areas. The decision report that discusses the expansion of the Tryphena Settlement Area to the north along Medland Road states:²

The panel considers that there is opportunity for expansion of the Tryphena settlement area in this area. However, any expansion needs to be cognisant of the natural restraints such as flood hazards and ecologically significant areas. The panel therefore recommends that the settlement area is extended north along Medland's Road so that it does not encroach on ecologically significant site or natural hazards indicated in the plan.

5. Reasons for the appeal:

5.1 The Appellant submits that the Council decision:

- (a) Is contrary to the sustainable management of natural and physical resources and is otherwise inconsistent with the purpose and principles of the Resource Management Act (RMA);
- (b) Will impact adversely on the ability of people and communities to provide for their social, economic and cultural wellbeing;
- (c) Does not promote the efficient use and development of natural and physical resources;
- (d) Does not promote the reasonably foreseeable needs of the future generations; and
- (e) Does not recognise that the appellants property and the surrounding valley area is one of the few areas in Tryphena that the Auckland Regional Council has not proposed to include as an Outstanding Natural Landscape in their Plan Change 8 (refer to appendix 2). For this reason, it is considered that the appellant's

¹ Please note that both the settlement area figure 10b.1 and Planning Map Sheet 57 (1 & 2) show the boundaries of the appellant's property incorrectly. The appellant's property is only 2 hectares and is clearly indicated as 'A' on appendix 1.

² Decision report 27 page 11-12

property is one that can accommodate additional residential development from regional planning and policy perspective.

5.2 In respect of the specific issues that are the subject of this appeal and without limiting the generality of 5.1 (a)-(e) above, the appellant's reasons for appeal are as follows:

- The appellant generally supports the expansion of the Tryphena Settlement Area. However, the appellant considers that his property should also be included within the Tryphena Settlement Area in particular the Residential Amenity Area.
- The appellant's property at 37 Medland Road does not contain any natural hazards areas or ecologically sensitive areas as identified in the District Plan.
- The appellant's property has existing infrastructure including a concrete driveway, installed phone lines, large frontage onto Medland Road and a secured water supply.
- The appellant's property through the Proposed Plan process has been reclassified Landform 5 Productive Land. However, the two-hectare property is too small to be financially viable from productive land uses. For this reason, it is considered that its open nature and lack of significant native trees and bush make it suitable for further residential development and its inclusion in the Residential Amenity Area of the Tryphena Settlement Area.
- The property and in particular the orchard areas in the western part of the site are visually contained from the surrounding environment. For this reason, it is considered that future development, as part of the Tryphena Settlement Area would not compromise the landscape character of the surrounding area
- The inclusion of the appellant's property (37 Medland Road) into the Residential Amenity Area of the Tryphena Settlement would complete a logical connection of the Tryphena Settlement Area along Medland Road (Refer to appendix 3).

- The analysis provided in appendix 4 of existing and potential future land development shows a clear pattern of residential development on both sides of Medland Road. The appellant's property at 37 Medland Road is one of the only properties along this section of Medland Road that is not included in the Tryphena Settlement Area despite being suitable for this inclusion as alluded to in this appeal notice.

6. Relief sought:


The relief that the appellant seeks is that his property at 37 Medland Road is included in the Residential Amenity Area of the Tryphena Settlement Area, that this is reflected in Figure 10b.1 and any additional changes, which are required to the text and maps of the Proposed Plan to give effect to the relief sought in this reference.

The following documents are attached to this notice:

- (a) A copy of the appellant's relevant submissions
- (b) A copy of the relevant decision
- (c) Any other documents necessary for an adequate understanding of the appeal:
In particular:
Appendix 1: Figure 10b.1 Tryphena Settlement Area (as amended by decision version 04/05/09)
Appendix 2: Outstanding Natural Landscapes, Proposed Change no.8 Auckland Regional Council
Appendix 3: Map showing existing and potential future development character of land surrounding the appellant's property
Appendix 4: Analysis of existing and potential future development character of land surrounding the appellant's property
- (d) A list of names and addresses of persons to be served with a copy of this notice.

Megan Tyler – Manager – Islands Sector - City Planning

Auckland City Council
Attention: Megan Tyler – Manager – Islands Sector – City Planning
Private Bag 92516
Wellesley Street
Auckland 1141



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Date: 06/05/09

Caleb Sutton

Signature of person duly authorised to sign on behalf of appellant

Address for service of appellant:

John Sutton

37 Medland Road

Tryphena

RD1

Great Barrier Island 0991

Telephone: 09 4290497, 068350750 or 0277550366

Email: je.sutton8@gmail.com

Contact Person: John Sutton (as above)