

**IN THE ENVIRONMENT COURT
AUCKLAND**

ENV

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of Clause 14(1) of the First Schedule of
the Act

BETWEEN

Sportsways United Limited
Appellant

AND

AUCKLAND CITY COUNCIL
Respondent

**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST THE DECISION OF
THE AUCKLAND CITY COUNCIL PROPOSED HAURAKI GULF ISLANDS
DISTRICT PLAN 2006**

Green Group Limited

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Sportsways United Limited (“**Sportsway** ”) appeals against the decision of the Auckland City Council (“**Council**”) on the Proposed Hauraki Gulf Islands District Plan 2006 (“**the Plan**”).

1. INTRODUCTION AND GENERAL MATTERS

Submission

- 1.1 **Sportsway** made a submission on the Plan on 8th December 2006. The submission was referenced by the Council as Submission 2555.

Decision

- 1.2 A notice of the decision by the Council (“**Decision**”) was received on 4th May 2009. The Decision approved the Plan and declined the submissions made by Sportsway.

Mediation

- 1.3 Sportsway is willing to engage in mediation or other alternate dispute resolution to seek to address their concerns.

Attachments

- 1.4 The following documents are attached to this notice of appeal:
- (a) a copy of Sportsway’s original submission
 - (b) a copy of the relevant decision; and
 - (c) copies of the certificates of title to the appellant’s lands.
 - (d) a list of names and addresses of persons to be served with a copy of this notice.

2. GENERAL SUBMISSION: PRINCIPAL OUTCOMES

- 2.1 This appeal relates to the whole of the Decision.
- 2.2 The specific aspects of the decisions to which this appeal relates and the provisions they address are set out below. The appeal also relates to all consequential and related aspects of the plan, which may affect, or be affected by, this appeal.

Reasons for appeal

- 2.3 Sportsway sought that various changes be made to the Plan to reflect their interests particularly in respect to property Sportsway owns at Kaitoke and Palmers Beach, Great Barrier Island . The property comprises two titles known as:

Lot 1 DP 211223 NA 138C/342
Lot 3 DP 211223 NA 138C/343,

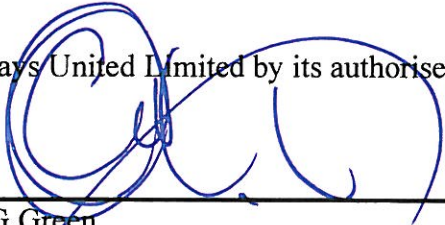
- 2.4 In particular Sportsway sought that the land unit classification or ‘zoning’ methodology applied to their properties accurately reflected the true nature of the land giving rise to that classification.
- 2.5 Sportsway provided detailed landscape and environmental evidence to substantiate their claims that the classification of their land required to be refined to planning commissioner hearing on this matter.
- 2.6 The Council declined all requests to modify the various classifications as sought by the submissions.
- 2.7 Sportsway also sought that provision be made for multiple housing as a controlled activity within the various land units attaching to its property.
- 2.8 The Council also declined this element of Sportsway’s submission.
- 3.0 **Relief Sought**
- 3.1 **Sportsway** seeks the following relief:
- 3.2 That the Plan be amended such that:
 - 3.2.1 **Lot 1 DP 211223 NA 138C/342** be reclassified so that the different landforms proposed for Lot 1 in the District Plan review (‘Landform 3 – alluvial flats’, ‘Landform 4 – wetland systems’, ‘Landform 6 – regenerating slopes’ and ‘Landform 7 – forest and bush areas’) be amended to reflect changes of detail.
 - 3.2.2 The main area of Lot 1 that requires amendment to the proposed landform is along the central south-western boundary of the lot adjacent to Kaitoke Stream. This region is zoned as ‘Landform 3 (alluvial flats)’ and ‘Landform 4 (wetland systems)’ It is sought that the ‘Landform 4 (wetland systems)’ area be significantly decreased in size to accurately reflect the remaining wetland abutting the Kaitoke Stream.
 - 3.2.3 The area zoned as and ‘Landform 3 (alluvial flats)’ will need to be increased to include the piece of land formerly zoned ‘Landform 4 (wetland systems)’.
 - 3.2.4 In addition an area of land adjacent to the new proposed ‘Landform 3 (alluvial flats)’ piece, will need to be rezoned as ‘Landform 5 (productive land)’. This new ‘Landform 5 (productive land)’ includes an area of pasture located upon raised topography. The land has been drained from its former state as a wetland and highly modified and is considered to overall meet the classification criteria of ‘Landform 5’.
 - 3.2.5 As part of the recommendation to decrease the size of ‘Landform 4 (wetland systems)’ and increase the size of ‘Landform 3 (alluvial flats)’, it is sought that the Site of Ecological Significance 54-1 (‘SES 54-1’) be decreased accordingly.

- 3.2.6 This is as a result of the high level of modification and drainage to form pasture flats that has taken place within the wetland system, considerably decreasing its ecological value.
- 3.2.7 **Lot 3 DP 211223 NA 138C/343-** Sportsway considers that the 2 different landforms proposed for Lot 3 in the District Plan review ('Landform 2 – dune systems and sand flats' and 'Landform 6 – regenerating slopes') are for the most part accurate with two minor amendments which Sportsway considers should be made to accurately reflect the land conditions.
- 3.2.8 The first amendment sought is that within the central western portion of Lot 3, there is an area of 'Landform 2 – dune systems and sand flats' that should be reclassified as 'Landform 6' due to the recent erosion and varying rates of regenerating vegetation. The area is surrounded to the north, west and south by 'Landform 6 – regenerating slopes' and is better suited to the characteristics of 'Landform 6'.
- 3.2.9 The second amendment that is sought lies within the southern section of Lot 3. There is an area of pasture zoned 'Landform 6 – regenerating slopes' that is considered to be better suited to 'Landform 5 - productive land'.
- 3.2.10 That provision be made in landforms 3,4,5,6 and 7 for multiple dwellings as a controlled activity on sites of 4.0 hectares or more and that Activity Tables 10a.4.5,10a.5.5,10a.6.5,10a.7.5, and10a.8.5 be amended to reflect this activity.

3.3 Such further or consequential relief as may be necessary to fully give effect to the relief sought.

3.4 Costs

Sportsways United Limited by its authorised agents Green Group Limited


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TO: The Registrar of the Environment Court

AND TO: Submitters and Further Submitters

AND TO: Respondent