

**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

AG & JL MITCHELL
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**

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J & JL Mitchell (“**The Mitchells** ”) 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 **The Mitchells** made a submission on the Plan on 8th December 2006. The submission was referenced by the Council as Submission 2554.

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 The Mitchells.

Mediation

- 1.3 The Mitchells are 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 The Mitchell’s original submission
 - (b) a copy of the relevant decision; and
 - (c) a copy of the certificates of title for the lands in question.
 - (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 The Mitchells sought that various changes be made to the Plan to reflect their interests particularly in respect to property they own at Blind Bay Great Barrier Island . The property comprises three titles known as:

Lot 5 DP 68555 NA 23D/851,
Lot 6 DP 68556 NA 23D/861
Lot 10 DP 68556 NA 23D/865.

- 2.4 In particular the Mitchells sought that the land unit classification or ‘zoning’ methodology applied to their various properties accurately reflected the true nature of the land giving rise to that classification.
- 2.5 The Mitchells provided detailed landscape and environmental evidence to substantiate their claims that the classification of their land required to be refined to the 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 The Mitchells 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 declined this element of the Mitchells submission.

3.0 **Relief Sought**

3.1 The Mitchells seek the following relief:

3.2 That the Plan be amended such that:

3.2.1 **Lot 5 DP 68555 NA 23D/851** – For completeness no change is now sought to the classification proposed by the Plan as it pertains to this title and the Council’s position on the matter is accepted and is not subject to appeal.

3.2.2 **Lot 6 DP 68556 NA 23D/861** - For which the current classifications proposed in the Plan are ‘Landform 1 – coastal cliffs and slopes’, ‘Landform 2 – dune systems and sand flats’, ‘Landform 3 – alluvial flats’, ‘Landform 5 – productive land’, ‘Landform 6 – regenerating slopes’, be amended as follows.

The point that protrudes into Blind Bay is correctly classified as ‘Landform 1 – coastal cliffs and slopes’ however it is recommended that an area of ‘Landform 5 – productive land’ be identified to include an area of pasture that runs through the centre of the point and links up with another area of pasture to the west as well as to the adjacent Lot 5 to the east.

The land west of the point is considered to be too complex with regards to the different landforms proposed and the classification of this area is sought to be simplified to two landforms; ‘Landform 1 – coastal cliffs and slopes’, for the northern section of the lot where the vegetation is large established Pohutukawa similar to the vegetation found out on the point that protrudes into Blind Bay; and ‘Landform 5 – productive land’, for the remainder of the lot as it is predominantly pasture cover and best suited to this classification given its varying contour.

3.2.3 **Lot 10 DP 68556 NA 23D/865**

Whilst the classifications assigned to the property of Landform 5 and Landform 6 are accepted it is considered that they are not correctly applied to

the property having regard to the explanations contained in the Plan for each and it is therefore sought that the following changes be made:

That the delineated boundary between 'Landform 5 – productive land' and 'Landform 6 – regenerating slopes' should follow the existing fence line that runs east-west separating the pasture area from the regenerating slopes.

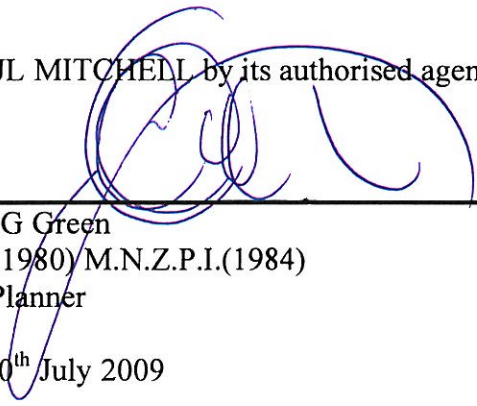
The lower pasture area is currently grazed up to the fence and 'Landform 5' should be extended up to this point. The land to the north of the fence up the slope is mainly closed kanuka 'bush' and should be zoned 'Landform 6'.

3.2.3 That provision be made in landforms 2,3,5 and 6 for multiple dwellings as a controlled activity on sites of 4.0 hectares or more and that Activity Tables 10a.3.5.1, 10a.3.5.2, 10a.4.5,10a.6.5, and 10a.7.5 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

AG & JL MITCHELL 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