



Auckland
Regional Council
TE RAUHITANGA TAIAO

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

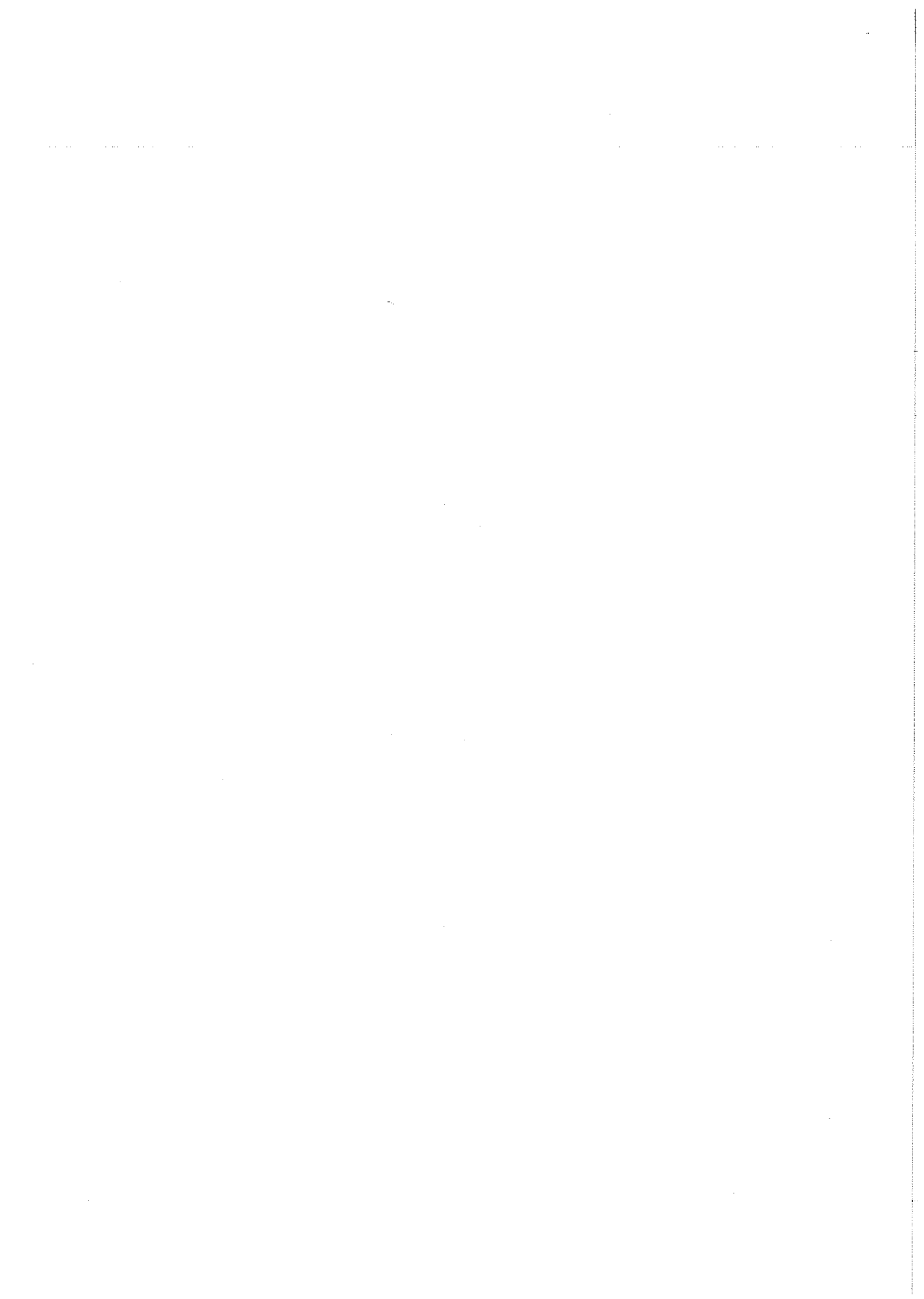
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TO: The Registrar
Environment Court
P O Box 7147
Wellesley St
Auckland

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 14-5 (Topic: Landform 5 – productive land) and Decision Report 28 (Topic: Part 10c – Development controls for land units and settlement areas (excluding clauses 10c 5 1, 10c 5 2 and 10c.5 3 – vegetation protection controls))
3. The Auckland Regional Council (ARC) lodged a submission to the Proposed Plan seeking:
 - (a) that the construction and relocation of buildings be a restricted discretionary activity and be subject to the assessment criteria in Section 11 5, and
 - (b) the amendment of Table 10c 1 to reduce the permitted building coverage in landform 5 from 1,000m² and that any one building be not more than 250m²
4. The ARC received notice of the Auckland City Council decision on 29 April 2009



Auckland City Council decision

- 5 Decision Report 14-5 retains the permitted activity status for the construction and relocation of buildings in the landform 5 land unit.
- 6 Decision Report 28 retains permitted building coverage in landform 5 of 1,000m², and increases the permitted maximum footprint of any one building from 300m² to 500m²

Reasons for appeal

- 7 The Proposed Plan states that the principal reason for controlling building coverage on a site is to limit the scale and intensity of development. Buildings which do not comply with building coverage controls can appear overly dominant, adversely affecting amenity values and reducing the character of the area.
- 8 A significant portion of eastern Waiheke is zoned landform 5 and is also identified in the Operative Auckland Regional Policy Statement (ARPS) as having regionally significant or outstanding landscape quality. The ARPS map series 2 – Significant Natural Heritage Areas and Landscape Quality identifies the quality of landscapes, with those rated 6 or 7 considered to be outstanding and those with a rating of 5 being considered regionally significant.
- 9 Proposed Change 8 to the ARPS identifies outstanding natural landscapes (ONL) and map series 3a shows a large area of eastern Waiheke Island being subject to ONL 78. Ponui Island, which has large areas of landform 5 zoning, is almost covered by ONL 85 as per Proposed Change 8 to the ARPS. Great Barrier Island is almost entirely covered by ONL 88 and also has areas of landform 5 zoning.
- 10 The Proposed Plan recognises some landform areas with high natural character and visual amenity such as landform 6 (regenerating slopes) and landform 7 (forest and bush areas) by requiring the visual impacts of buildings be assessed as restricted discretionary activities. The Proposed Plan also recognises the values, including visual amenity and natural character, of other land units (e.g. landform 1, landform 4) by making the construction of buildings a non-complying activity. However, no such provisions are made for the landform 5 land unit.
- 11 The ARPS and Proposed Change 8 seek to protect the landscape values of the region, including those on the Hauraki Gulf Islands. The activity table 10a 6 5 and development controls table 10c 1 do not achieve the Purpose and Principles of the Resource Management Act 1991, do not give effect to the relevant objectives and policies of the ARPS, and do not have sufficient regard to Proposed Change 8 to the ARPS.

12 Relief sought

- (i) Amend Part 10a 6 5 Rules – activity table so that the construction and relocation of buildings, including buildings used for any other activities listed in the table be a restricted discretionary activity and be subject to the assessment criteria in Section 11 5 – Buildings as Restricted Discretionary Activities
- (ii) Amend Table 10c.1 Development controls – landforms 1 – 7, island residential 1 and 2 to reduce the building coverage in landform 5 from 1,000m² and to reduce the maximum footprint for any one building from 500m² to 250m²
- (ii) Such other or further consequential relief as appropriate

13. 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