

Function facilities	D
Integrated visitor development	D
Open air markets	RD
Comprehensive management plans (or Rural Property Management Plans dependant on relief granted for other submissions)	D
Tourist complexes	D
Helipads	D
Disposal of treated wastewater	RD
Clustered residential developments	RD
Minor dwellings	RD
Farm buildings	C
Management and enhancement activities that facilitate wetland management	RD
Sustainable Farming and Land Management	P

- (g) Delete clause 10c.4.9.

The Council's decision

8.40 The Council accepted submissions (a) and (b) in part. With regard to submission (c) the Panel considered that it is sufficient, should Plan users wish to know that there are other prohibited activities in the document that they are directed to them. Submission (d) was rejected on the basis of decisions made regarding Part 14 and the definition of dwelling. Regarding submission (e) the Panel recommended that submissions which seek a controlled activity status for buildings be rejected. The Panel was satisfied that buildings have been appropriately provided for as a restricted discretionary activity (rather than a controlled activity) in those land units and settlement areas where there is a need for the Council to more carefully assess the scale, form, colour and location of buildings.

Specific grounds of appeal

- 8.41 ASHL appeals the Council's decisions on the grounds that the rules provided for as a result of these decisions are not the most appropriate way of ensuring sustainable management and do not provide the Council with the most appropriate tools to carry out its duties and functions in the land units affected by the decisions. Clarity and assurance for plan users, as well as easily understandable definitions for the application of plan provisions are vital to the effective implementation of planning provisions for the sustainable management of natural and physical resources.

Relief sought

- 8.42 ASHL seeks the relief set out in its submissions above at paragraph 8.39(a) – (g).

Development controls - Earthworks

ASHL's submissions

- 8.43 ASHL's submissions requested that the area of earthworks permitted to be carried-out in general, and in specific land units and settlement areas be increased. Specifically Table 10c.1 should provide for 200m² of earthworks in the residential zones earthworks on land > 1 in 6 and table 10c.4 should provide for 1000m² of earthworks in the rural zones on land > 1 in 6 and 2000m² where slopes are < 1 in 6.

The Council's decision

- 8.44 The Panel considered that the permitted earthworks limits in the proposed District Plan - HGI are appropriate and should not be increased.

Specific grounds of appeal

- 8.45 ASHL appeals the Council's decision on the earthworks rules as it considers that the rules as set out in the notified plan are not the most appropriate way to ensure the sustainable management of natural and physical resources.

Relief sought

- 8.46 ASHL seeks amendment to the earthworks rules in the proposed District Plan - HGI as set out above in paragraph 8.43.

Development controls - Land unit and settlement area classifications

- 8.47 ASHL made submissions seeking clarification of a number of provisions regarding land unit and settlement area classifications. These submissions included:
- (a) Amendments to clause 4.11 to provide for both a stand alone application where activities are permitted, or a conjunctive application where resource consent is required, to determine the actual 'on ground boundary' where there are discrepancies in land unit or settlement area mapping.
 - (b) The proposed District Plan - HGI should be amended so that clause 4.11.3 is clear. The rule should make it clear that a residual lot created where there is a boundary between a settlement area and a land unit can be approved as a discretionary activity even where the lot size does not meet minimum area standards.
 - (c) Clause 4.11.3 is unclear and conflicting where it states that the boundary between land units and/or settlement areas is not a boundary for the purposes of applying development controls. That rule should be deleted or amended as it will result in future non-complying issues as buildings or activities close to those common boundaries should meet the relevant development controls as if that were a site boundary in order to prevent future problems.

The Council's decision

- 8.48 The Council Panel considered that clause 4.11.3 is clear and did not need further amendment.

Specific grounds of appeal

- 8.49 ASHL appeals the Council's decision on these submissions on the basis that they rely on the decisions outlined in Part 12 – Subdivision and for the reasons noted above in the section of this appeal regarding Part 12 - Subdivision.

Relief sought

- 8.50 ASHL seeks the relief sought as set out above regarding the subdivision provisions and consequentially the amendments sought in the submissions outlined above at paragraph 8.47(a)-(c).

Development controls - Height in relation to Boundary and Ridgeline controls

- 8.51 ASHL submitted that the building height in relation to boundary control in clause 10c.4.3 should be amended to reflect the varied sloping nature of land in the Hauraki Gulf Islands. A control needs to be devised that works for sloping land and still provides sufficient daylighting.
- 8.52 ASHL also submitted that clause 10c.4.7 (the significant ridgeline control) should be deleted or modified

The Council's decision

- 8.53 The Panel considered that the control 10c.4.3 does take into account the topographical nature of a site as it is measured from the ground level at the boundary.
- 8.54 The Council Panel considered that the ridgeline control is justified as an important mechanism for controlling the location of buildings on or near ridgelines in order to avoid adverse visual or amenity effects. The Panel noted that further work needed to be undertaken to refine the controls.

Specific grounds of appeal

- 8.55 ASHL appeals the Panel's decision regarding the height in relation to boundary control in 10c.4.3 on the grounds that sloping sites generate non-compliance in many

cases. It is noted that up to 50% of the balance of vacant lots available for development are shown by Council surveys to be steep and bushed.

- 8.56 ASHL further appeals the decision on the basis that there are already significant controls on the height and location of buildings on ridgelines. ASHL contends that the rule is not needed and the Council has appropriate controls in place to manage the adverse effects of buildings on ridgelines while further work on the control is undertaken.

Relief sought

- 8.57 ASHL seeks the relief sought as set out in submissions noted above in paragraphs 8.51 and 8.52. Buildings which exceed the permitted height in relation to boundary limits should be restricted discretionary activities.

Development controls - Wastewater

- 8.58 ASHL sought changes to the provisions in Part 4 regarding the issue of wastewater management within the Hauraki Gulf Islands. These submissions included:
- (a) The provisions for wastewater in clause 4.8 should be deleted and/or amended so that there is no reliance on Auckland Regional Council processing and timelines in respect of any proposal that requires any consent under the proposed Plan.
 - (b) The policies in clause 4.8 should provide for alternative solutions including communal systems.
 - (c) Other land units beyond landform 5 should be described in clause 4.8 as suitable for the disposal of treated solids.
 - (d) The proposed resource management strategy for wastewater in clause 4.8.2 needs refocusing so that there is a clearer management regime within the proposed District Plan - HGI for wastewater management.

- (e) The reference in clause 4.8.2 to only on-site treatment needs revision, recognising communal off-site systems may be appropriate in some cases.
- (f) Wastewater management is a locally resolvable matter and should not be abrogated to be a solely regional matter. The interconnections between wastewater, water supply and use, site coverage and building size should be managed in an integrated way through the proposed Plan.

The Council's decision

8.59 The Panel identified that the disposal of wastewater is controlled through a variety of techniques and that these various techniques created unnecessary duplication/cost. It considered that the costs to individuals outweighed the benefits, when two consents were required for the same issue. The Council remains involved in the management of wastewater through the building consent process and the effect of Part 29 of the relevant Bylaw. Therefore, the Panel rejected ASHL's submissions.

Specific grounds of appeal

8.60 ASHL appeals the Panel's decision on the grounds that the management of wastewater should not be a solely regional matter and needs to be considered by the Council when determining the outcome of land use and subdivision consents. ASHL considers that the Council's policy of managing wastewater outside of the District Plan process is incorrect and will not provide the best possible outcome for the management of natural and physical resources on the Hauraki Gulf Islands.

Relief sought

8.61 ASHL seeks the relief set out in its submissions outlined above in paragraph 8.58 (a)-(f) or in the alternative where a proposal is a joint application solely because of wastewater that the Auckland City Council be the lead agency.

Development controls - Signs

- 8.62 ASHL sought an amendment to clause 4.9 so that where a proposal is subject to a resource consent, then signs are dealt with as an integral part of that process and not separately through a bylaw.

The Council's decision

- 8.63 The Panel considered that to ensure a consistent approach is undertaken all signs (apart from those in relation to a heritage item) will be assessed through an application for dispensation from the Consolidated Bylaw. The Panel stated that if some signs are addressed through the resource consent process and others through a dispensation application it will mean there is potential for inconsistency in the approach, and it is also potentially confusing for both council officers and applicants. The Panel therefore recommended that all signs, with the exception of those that relate to heritage items, are addressed through the Consolidated Bylaw and that ASHL's submissions are rejected accordingly.

Specific grounds of appeal

- 8.64 ASHL appeals the Council's decision on the basis that an integrated assessment of effects is required. Where an activity requires the erection of a sign, the effects of the sign should be considered as part of the overall resource consent application rather than requiring a separate application under the Bylaw. Potential inconsistency in the application of Council policy is a matter for the Council to control through training and review of staff performance.
- 8.65 The Central area plan (Part 7.11 – Implementation) states:

"With one exception, the Plan leaves the control of signs in the Central Area to the provisions of the Bylaw. The exception is a sign which is incidental to and which identifies the operations proposed to be carried out on a site may, if the activity requires a resource consent, form part of the documentation submitted to the Council for that resource consent application. No separate application under the Bylaw will be required if the resource consent is granted. The second exception is a sign which is placed, affixed, attached or painted onto a scheduled heritage item.

Where a structure required to support a sign falls within the definition of "building" as defined in Part 16 of the Plan, then the structure must meet the development controls applicable to the site in which it is to be located or alternatively a resource consent must be applied for. In addition, a building consent may be required. The sign itself will require separate consideration under the Bylaw."

Relief sought

- 8.66 ASHL seeks an amendment to clause 4.9 so that where a proposal is subject to a resource consent, signs are dealt with as an integral part of that process and not separately through an application for a dispensation from a bylaw.

Development controls - Lighting

- 8.67 ASHL made submissions on lighting, specifically security lighting, access lighting and landscape lighting. This submission sought an amendment to clause 4.10 to recognise that people need lights for daily living purposes and that may include access-way lighting, security lighting and landscape lighting.
- 8.68 ASHL also sought an amendment to clause 4.10.4, to give effect to the position that where lighting may exceed 150 lux, neighbours' input should be provided in any application and therefore restricted discretionary consent status should be applied.

The Council's decision

- 8.69 The Panel noted that the proposed District Plan - HGI provides for everyday lighting as a permitted activity up to but not exceeding 150 lux. The Panel considered that this level of lighting should provide for daily household needs.

Specific grounds of appeal

- 8.70 ASHL considers that the level of lighting provided for in the proposed District Plan - HGI does not appropriately provide for the necessary security and access lighting needed for everyday living. ASHL appeals the Council's decision on this matter on the ground that security, access and landscape lighting are a significant part of any development especially in isolated rural environments and should be recognised as such.

Relief sought

- 8.71 ASHL seeks the relief sought in its submissions as set out in paragraph 8.67 and 8.68 above.

Financial contributions

ASHL's submissions

- 8.72 ASHL made a number of submissions pertaining to the financial contributions section of the proposed District Plan - HGI. These submissions centred on the need for clarity in the provisions imposing financial contributions on subdivision and land use consents. The submissions included:
- (a) Clause 6.5.2.2(1) needs clarification and amendment so it is clear. The process of determining a contribution should be set out by way of an example.
 - (b) Clause 6.6.2.2 needs amendment as it is subjective and uncertain regarding the means of determining "share" in relation to "capacity".
 - (c) Clause 6.7.2 needs amendment as it is subjective and uncertain regarding the means of determining "share" in relation to "capacity".
 - (d) The proposed ability to take land for infrastructure contributions should be deleted. Alternatively the rules can allow for infrastructure contributions to be taken as a credit where the applicant offers land to the council. It should not be imposed as a condition of consent but should be by agreement between the two parties.
 - (e) The ability to take land for community amenity contributions should be deleted. Alternatively, the rules can allow for that contribution to be taken as a credit where the applicant offers land to the Council. It should not be imposed as a condition of consent but should be by agreement between the two parties.
 - (f) The ability to take land for environment or heritage should be deleted. Alternatively, the rules can allow for that contribution to be taken as a credit where the applicant offers land to the Council. It should not be imposed as a condition of consent but should be by agreement between the two parties.

The Council's decision

- 8.73 The Panel considered the Rules and the reasons behind them but did not recommend the introduction of amendments to provide clarification. A formula has not been provided for inclusion in the proposed District Plan - HGI which will demonstrate how financial contributions will be calculated.
- 8.74 The Panel considered that clauses 6.6.2.2 and 6.7.2 appropriately described the level and form of contributions and that these clauses meet the requirements of section 108(10)(b) of the Act.
- 8.75 The Panel considered that the Council should retain the ability to require a financial contribution to be taken in land and not limit itself to money only.

Specific grounds of appeal

- 8.76 ASHL considers that the provisions as drafted in the proposed District Plan - HGI are unclear and do not provide adequate certainty for plan users regarding the level of contribution. Therefore the provisions do not assist the Council in carrying out its functions and duties when imposing financial contributions to avoid, remedy or mitigate adverse environmental effects.

Relief sought

- 8.77 ASHL seek that the financial contributions provisions be amended to provide clarity and that an example be added to ensure that the formula will be applied in a consistent manner. Further, ASHL seek that the provisions relating to infrastructure contributions and community amenity contributions be deleted or alternatively the rules amended to allow for these contributions to be taken as a credit where an applicant offers land to the Council, in accordance with its submissions set out above at 8.72(a)-(f).

Relationship between LTCCP, the District Plan and Financial Contributions

ASHL's submissions

- 8.78 ASHL submitted that clause 1.3.2 should more explicitly set out the relationship between the proposed District Plan - HGI, the Long Term Council Community Plan ("LTCCP") and Part 6 - Financial Contributions.

The Council's decision

- 8.79 The Panel noted that it was unclear what the submission was seeking and went onto set out the differences between the LTCCP and the District Plan however it did not make a decision regarding the submission.

Specific grounds of appeal

- 8.80 The Council did not make a decision regarding the submission. ASHL understands the difference between the LTCCP and the provisions of the District Plan however the relationship and interaction of these two instruments is not clear.

Relief sought

- 8.81 ASHL seek that the relationship between the LTCCP and the District Plan - HGI provisions be set out explicitly, to provide clarity for plan users in accordance with ASHL's submissions set out a paragraph 8.78.

Hauraki Gulf Marine Park Act

ASHL's submissions

- 8.82 ASHL sought the following amendments Part 2 – Resource Management overview and appendix 10- HGMPA:
- (a) Clause 2.4.1 needs amendment to properly reflect s5(2) of the RMA so that reference is made to use and development as well. Clause 2.4.1 needs various amendments to be more positive and to reference 'sustaining', 'enabling' and 'managing' rather than the current

approach of focusing on 'limiting' and 'controlling'. There needs to be a clear statement in relation to the positive outcomes that are available through comprehensive development models and processes including methods that can be used to encourage sustainable management, such as incentive based subdivision and land uses.

- (b) Include relevant policies in clause 2.5(2).
- (c) Issues 1 and 2 of clause 2.5.2 are generally supported but should be reworded to better reflect section 5(2) of the RMA. The wording of all objectives should be amended to replace the word 'prevent' and 'limit' with the word 'manage'.
- (d) The structure of clause 2.5.2 needs revision to reflect an integrated RMA approach. All of the matters set out in clauses 2.5.3 to 2.5.8 are part of the concept of sustainability and are subsets of that rather than being stand alone matters and the provisions need amendment accordingly. Alternatively, clause 2.5.2 should be amended to become an integration tool for all other subsequent parts of this section with the necessary amendment to specific detail within each subsection.
- (e) Clause 2.5.2 should address the need for flexibility in planning provisions to enable discretionary approaches to innovative developments and to recognise that the economic relationship between land values and land development is a real management driver and not just a peripheral unwanted diversion.
- (f) The references to intensity in clause 2.5.2 need to be deleted and replaced by wording that reflects effects based outcomes without making presumptions as to supposed relationships between intensity and appropriate outcomes.
- (g) Clause 2.2 needs significant revision to incorporate some commentary on the implementation of the Operative Plan since 1996 and the outcomes that have arisen over that time that have created an environment upon which the proposed Plan should build.

- (h) Clause 2.2 fails to recognise the successes and various provisions of the Operative Plan such as Church Bay and Owhanake in regard to leading to sustainable land use and subdivision activities that have positively changed the Waiheke landscape.

The Council's decision

8.83 The Council made the following decisions/ comments about ASHL's submissions on Part 2.

- (a) The Panel considered that the concept of sustainable management was explained in an easy to understand way and was not unduly negative. The Panel further considered that it was inappropriate to mention comprehensive development models and processes and incentive based subdivision and land uses in these clauses as they are a high level summary of the concept of sustainable management.
- (b) The Panel considered that inserting policies within clause 2.5 is unnecessary because the listed issues and objectives are Hauraki Gulf wide. Policies and rules within other parts of the proposed District Plan - HGI outline how these broad issues and objectives will be achieved. Policies were also not included within Part 2 because they would unnecessarily increase the size of this section of the proposed District Plan - HGI without added value.
- (c) The Panel considered that the issues and objectives within clause 2.5 of the proposed District Plan - HGI are consistent with section 5(2) of the RMA. The use of the words 'limit' and 'prevent' in the issues and objectives within clause 2.5.2 to 2.5.8 is important to illustrate the direction the council expects the proposed District Plan - HGI to take. This provides additional clarity compared to the word 'manage' about the direction the council is taking for each issue and objective. Notwithstanding the above, the Panel considered that the objectives which flow from the issues can be improved in regard to their consistency with part 5(2) of the RMA
- (d) It is the Panel's view that clause 2.5.2 outlines the general intent of the proposed District Plan - HGI towards sustainable management. Clauses 2.5.3 to 2.5.8 then outline more specifically how the proposed District Plan - HGI is targeted at sustainable management under the topic headings of coastal,

landscape, water, natural environment, Maori and human environment (other). The Panel considered that clauses 2.5.3 to 2.5.8 are not subsets of clause 2.5.2 but rather fully integrated with this clause. Notwithstanding the above, the Panel have recommended a number of changes to clauses 2.5.3 to clause 2.5.8.

- (e) The Panel considered that issues and objectives within clause 2.5.2 do recognise the economic relationships within the Hauraki Gulf. Objective 4 states "to enable the growth of the local economy, including business and employment." The supposed 'negative theme in wording' is intentional in order to provide clearer direction to what outcome is being sought.
- (f) This objective is deemed appropriate by the Panel and highlights that there is a relationship between intensity of subdivision and land use and an appropriate outcome. Subdivision and land use activities of high intensity tend to have higher potential impacts than activities of low intensity. This objective is trying to reflect this and provide broad direction that high intensity subdivision and land use patterns may not be appropriate in certain island environments (for example sensitive coastal areas) but may be appropriate in others.
- (g) - (h) The Panel considered that it would be inappropriate within clause 2.2 to go into great detail about a particular part of the proposed District Plan - HGI as this would be contrary to the intent of Part 2 which provides a Waiheke wide perspective. The Panel also considered that excluding the information would keep the document to a manageable size and allow the proposed District Plan - HGI to focus on a future vision.

Specific grounds of appeal

8.84 ASHL appeals the Council's decisions on the following grounds:

- (a) The Council's decisions do not appropriately reflect the provisions of the Resource Management Act 1991 or the Hauraki Gulf Marine Park Act 2000.
- (b) Various amendments are needed to the provisions to replace the overly negative words "prevent" and "limit" with the more positive connotations of

"manage". Overall, this section needs to be framed more positively and to reference 'sustaining', 'enabling' and 'managing' rather than the current approach of focusing on 'limiting' and 'controlling', in accordance with s5 of the Act.

- (c) The provisions need to be re arranged to provide an integrated approach.
- (d) Appropriate wording needs to be developed to ensure that the provisions reflect an effects based outcome without making presumptions as to supposed relationships between intensity and appropriate outcomes.
- (e) More clarity is needed in the proposed District Plan - HGI demonstrating the history of the Operative Plan since 1996 and the outcomes that have arisen over that time that have created an environment upon which the proposed Plan should build. This will assist understanding of the planning provisions for plan users who are not familiar with the history of the proposed District Plan - HGI or the outcomes both positive and negative which have arisen through implementation of the Operative Plan provisions.

Relief sought

8.85 ASHL seek the amendments set out in its submissions and outlined above at paragraph 8.82 (a) – (h).

Definitions

ASHL's submissions

8.86 ASHL made submissions on the definitions of the following words:

- (a) Significant Environmental Feature;
- (b) Significant Ridgeline Area;
- (c) Horticulture;
- (d) Comprehensive development;
- (e) Earthworks;
- (f) Cluster development;
- (g) Sustainable farming and land management; and
- (h) Comprehensive management plan.

The Council's decision

8.87 The Council Panel made the following decisions regarding the amendments suggested by ASHL:

- (a) Significant Environmental Feature – the Panel agreed in part with the amendments sought by ASHL. The Panel noted the need to ensure that the definition of significant environmental feature is well aligned with the associated standards and terms set out in part 12.
- (b) Significant Ridgeline Area – the Panel supported the amendments to this definition in part and suggested an alternative wording.
- (c) Horticulture – the Panel accepted in part the changes to the definition and deleted the word "commercial" from the definition of horticulture.
- (d) Comprehensive development – the Panel considered that the word rural did not need to be added to the definition of comprehensive development.
- (e) Earthworks – the Panel considered that rules in part 10c adequately provide for maintenance of existing access and the definition of earthworks did not need amending to address the issue of maintenance of existing access.
- (f) Cluster development – the Panel considered and rejected submissions for cluster developments in various land units and in the subdivision provisions, therefore the Panel considered that the definition of cluster development was not needed in the proposed District Plan - HGL.
- (g) Sustainable farming and land management – the Panel rejected the submission that this activity be listed in the activity tables of various rural zones, therefore the Panel considered that a definition for this activity was not needed.

- (h) Comprehensive management plan – the need for a definition of comprehensive management plan is dependent on the Council's decisions regarding the introduction of provisions in the rest of the proposed District Plan - HGI in particular Part 12 – Subdivision. Given the Panel's decisions on the rest of the proposed District Plan - HGI, it was considered that a definition of comprehensive management plan was not needed.

Specific grounds of appeal

- 8.88 ASHL considers that its proposed wording of the definitions noted above would better assist Council officers and plan users when working with the proposed District Plan - HGI.

Relief sought

- 8.89 ASHL seeks that the definitions of the following words be amended or added to the proposed District Plan - HGI.

- (a) Significant Environmental Feature

"Significant Environmental Feature means ~~either~~ any of the following:

- ~~The~~ Within any site, the whole of any distinct natural feature, landform or landscape which makes a significant contribution to the quality of the local natural environment and amenity. and/or
- Any feature of archaeological, historical or cultural significance including access to such features.

It may include one or more of the following:

- any site of ecological significance scheduled in the Plan
- a water system
- a habitat for indigenous species
- an association of indigenous vegetation including complementary ecological buffer areas, indigenous re-plantings and/or enhancement/enrichment plantings
- a landform (including any significant ridgeline identified on the planning maps) having local value and including geological features
- an ecological corridor or buffer
- a visually significant area or group of areas
- any item scheduled in the Plan for its archaeological, historical or cultural significance."

(b) Significant Ridgeline Area

"Significant Ridgeline Area means an area adjacent to any significant ridgeline as identified on the planning maps. For the purpose of the development control rules, the significant ridgeline area includes all land falling within the 100m strip shown on the planning maps by way of a dotted line notation parallel to each defined ridgeline."

(c) Horticulture

"Horticulture means the use of land or buildings for the growing of vegetables, fruit, berries, nuts, vines, flowers, plants or fungi. It includes market gardening, orcharding, lifestyle/hobby farming activities that rely on the use of the intrinsic land resource and viticulture."

(d) Comprehensive development

"Comprehensive development means a development proposal which provides for integrated and sustainable land management for the whole of a site"

(e) Earthworks

"Earthworks means earthmoving operations. It does not include quarrying, blasting, or rock drilling."

Earthworks otherwise includes any of the following:

- The disturbance of land surfaces by:
 - a. moving, removing, placing or replacing earth (including soil, clay, sand and rock); or
 - b. excavation, contouring, cutting or filling operations.
- Digging trenches for utility services or effluent disposal systems.
- Cleanfill operations involving the depositing of soil or earth onto or into land, and not including material subject to biological breakdown.
- The maintenance of existing driveways/accessways including rural/farm access"

(f) Cluster development

"Cluster development means development that consolidates buildings in one or more locations on a site leaving the larger areas of remaining land to be used for productive land uses, recreation and/or the preservation of environmentally sensitive features. In all cases the areas taken up by any buildings is subordinate to the surrounding landscape features and balance of the land area."

(g) Sustainable farming and land management

"Sustainable farming and land management means an integrated method of agriculture including plant and animal production practices having a site-specific application that will, over the long term maintain or enhance:

- the ability of people and communities to provide for their social and cultural well-being;
- the economic viability of agriculture;
- other ecosystems influenced by agricultural activities;
- the quality and safety of food and fibre;
- environmental quality and the natural resource base upon which the agricultural economy depends; and
- make the most efficient use of non renewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls.

Sustainable farming includes:

- Permaculture (permanent agriculture) - the conscious design and maintenance of agriculturally productive ecosystems which have the diversity, stability, and resilience of natural ecosystems.
- biodynamic farming - the development of the farm or garden as a balanced and sustainable unit including organic practices such as crop rotation, recycling through composts and liquid manures, and increasing plant and animal bio diversity.
- indigenous plantation forestry"

(h) Comprehensive management plan

"Comprehensive management plan means a long term management plan for a property which comprehensively details all land use, subdivision and development activities proposed to be undertaken whether or not on a staged basis.

Such plans must address:

- the location of buildings (and associated design elements and bulk and location parameters) proposed land use activities and subdivision proposal details
- the mitigation proposed to manage adverse effects arising from those buildings and land use activities and subdivision proposals.
- proposed landscape management methods including revegetation and proposed long term environmental protection and management measures including covenanting"

Appendix

ASHL's submissions

8.90 Subsequent to the additional provisions in the proposed District Plan - HGI for comprehensive management plans, ASHL submitted that an appendix should be added to the proposed District Plan - HGI with a set of environmental and design

principles that apply to comprehensive management plans using the Far North District Plan provisions, rule 12.9.2 as an example.

The Council's decision

- 8.91 The request that the proposed District Plan - HGI include 'comprehensive management plans', in the manner proposed by ASHL was not supported and the Panel therefore recommended that the request for an associated set of environmental and design principles also be rejected.

Specific grounds of appeal

- 8.92 ASHL appeals the Council's decision not to include an additional appendix to support the introduction of comprehensive management Plans for the reasons set out above regarding the introduction of comprehensive development plans.

Relief sought

- 8.93 ASHL seeks the introduction of an appendix setting out environmental and design principles that apply to comprehensive management plans as outlined above in paragraph 8.90.

Maps

ASHL's submissions

- 8.94 ASHL sought to amend the relevant map to reclassify 120ha at 306 Sea View Road, Thompsons Point, from Landform 1 (coastal cliffs and slopes), Landform 4 (wetland systems) and Rural 2 (western landscapes) to Rural 2A, Rural 2B and Island Residential.

The Council's decision

- 8.95 The Council considered that further work had to be done in order to determine the most appropriate zoning for the Site and therefore declined to amend the planning map according to ASHL's submission.

Specific grounds of appeal

8.96 As noted above in the section of this appeal regarding the re zoning of ASHL's site at Thompson's point, the Council, didn't make a decision regarding the appropriate zoning of the Site instead suggesting a resource consent application or private plan change be applied for. ASHL appeals this non decision on the basis that it is not the most effective way to ensure the principles and purpose of the Act are met and sustainable management of the land resource is achieved.

Relief sought

8.97 ASHL seeks that Sheet 4 Map 1 be amended as set out in paragraph 8.94 (above) and as shown on the map attached to this appeal and marked "A".

9. The relief sought:

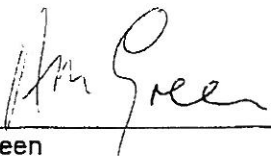
ASHL seeks the following relief:

- (a) that the Council's decision be amended to provide the relief sought in paragraphs 8.9, 8.17, 8.22, 8.27, 8.31, 8.37, 8.42, 8.46, 8.50, 8.57, 8.61, 8.66, 8.71, 8.77, 8.81, 8.85, 8.89(a)-(h), 8.93, and 8.97 above;
- (b) such further or alternative relief to address the matters raised in this appeal as the Court deems appropriate;
- (c) any other consequential relief which maybe required as a result of allowing this appeal.

DATED the 24th day of July 2009

ANSWER SERVICES HOLDINGS LIMITED as
appellant by its lawyers and duly authorised
agents **BROOKFIELDS**

per:


A M B Green

Address for service of appellant:

Brookfields Lawyers
A M B Green
Telephone No. 09 379 9350
Fax No. 09 379 3224
P O Box 240
DX CP24134
Auckland

Advice to recipients of a copy of notice of appeal

You may be a party to the appeal if you made a submissions 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).

The copy of this notice served on you does not attach a copy of the appellants submissions or the parts of the decision appealed. These documents may be obtained, on request, from the appellant.

If you have any questions about this notice, contact the Environment Court Unit of the Ministry of Justice in Auckland.

"A"

