

**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**

A R Pope Family Trust and The Cory  
Family Trust  
Appellant

**AND**

AUCKLAND CITY COUNCIL  
Respondent

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**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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*Green Group Limited*

Martin Green  
PH: 64 9 3600466  
Fax: 64 9 3600456  
PO Box 105 153  
**Auckland**

R Pope Family Trust and The Cory Family Trust (“**The Trusts**”) 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 Trusts** made a submission on the Plan on 9<sup>th</sup> December 2006. The submission was referenced by the Council as Submission 1329.

### **Decision**

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

### **Mediation**

- 1.3 The Trusts 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 Trusts’s original submissions
  - (b) a copy of the relevant decision; and
  - (c) 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 Trusts own property at 102 Ostend Road Waiheke Island that contains a concrete plant, a supermarket and a home improvement centre (Placemakers).
- 2.4 The Trusts sought that various amendments be made to the Plan particularly to Part 10 of the Plan to amend various development controls as these affected The Trusts’ properties and the use and enjoyment of the activities currently located on them.
- 2.5 The Trusts specifically sought the following changes to the plan:

- 2.5.1 Amend Table 10a.15.5 to provide for the construction and alteration of buildings within limitations of the development controls to comprise a permitted activity.
- 2.5.2 Amend Table 10c.2 to increase the height of permitted activities from 8.0 metres to 15.0 metres.
- 2.5.3 Amend Table 10c.2 to increase the building coverage for permitted activities from 40% to 60%.
- 2.5.4 Amend Table 10c.2 to increase the level of permitted earthworks on land with a slope of  $\leq 1$  in 6 to 2000m<sup>2</sup> and above that to 1.0 hectare as a restricted controlled activity.
- 2.5.5 Amend Table 10c.2 to increase the L<sub>eq</sub> Levels from 55dBA to 60dBA Monday to Saturday 7:00 am to 10:00pm and Sunday 9:00am to 6:00pm, and increase the L<sub>eq</sub> Levels from 45dBA at all other times to 55dBA.
- 2.6 With the exception of the amendments to Table 10a.15.5 the Council The Trusts' submissions were rejected.

### 3.0 **Relief Sought**

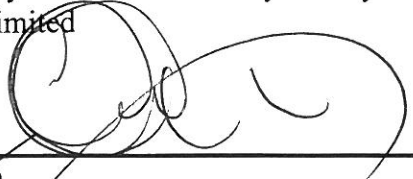
3.1 **The Trusts seek** the following relief:

3.2 That the Plan be amended such that:

- 3.2.1 Amend Table 10c.2 to increase the height of permitted activities from 8.0 metres to 15.0 metres.
- 3.2.2 Amend Table 10c.2 to increase the building coverage for permitted activities from 40% to 60%.
- 3.2.3 Amend Table 10c.2 to increase the level of permitted earthworks on land with a slope of  $\leq 1$  in 6 to 2000m<sup>2</sup> and above that to 1.0 hectare as a restricted controlled activity.
- 3.2.4 Amend Table 10c.2 to increase the L<sub>eq</sub> Levels from 55dBA to 60dBA Monday to Saturday 7:00 am to 10:00pm and Sunday 9:00am to 6:00pm, and increase the L<sub>eq</sub> Levels from 45dBA at all other times to 55dBA.

3.3 Costs

R Pope Family Trust and The Cory Family Trust by its authorised agents  
Green Group Limited



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Martin G Green  
B.R.P (1980) M.N.Z.P.I.(1984)  
Town Planner  
Date: 22<sup>nd</sup> of July 2009

Address for Service:           Green Group Limited  
                                          12 – 14 Fitzroy Street  
                                          Ponsonby  
                                          Auckland

PO Box 105 153  
Auckland

Telephone:                       (09) 3600466  
Facsimile                         (09) 3600456

**J:** The Registrar of the Environment Court

**AND TO:** Submitters and Further Submitters

**AND TO:** Respondent