Attn Shaun McAuley. Legal services

BEFORE THE ENVIRONMENT COURT **ENV-2009-AKL-000348**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a reference pursuant to Clause 14(1) of the First Schedule to the Act

BETWEEN **WAIHEKE ISLAND COMMUNITY PLANNING GROUP INC**

Appellant

AND **AUCKLAND CITY COUNCIL**

Respondent

***AMENDED* NOTICE OF APPEAL AGAINST DECISIONS ON THE PROPOSED HAURAKI GULF ISLANDS SECTION OF THE DISTRICT PLAN**
(with full and further particulars)

TO: The Registrar
Environment Court
AUCKLAND

1. The Appellant appeals the decisions of the Respondent, ('the Council') being decisions made after hearings thereon, in regard to various parts and provisions or lack of parts and provisions, of the Proposed HGI District Plan 2006 ('the Plan'). The first of these decisions is contained in Decision Report 1, 'Whole Plan' Group file ref 314/274002, dated 12th October 2007. This Appeal relates to all subsequent Decision Reports as well, with the exception of the Report specific to Rakino Island.

2. The Appellant made submissions, further submissions and written and oral hearing submissions on all of the matters that are the subject of the Decision Reports aforesaid.

3. Written notice of the decisions was received by the Appellant on the 5th of May 2009. Council extended the time for lodging appeals to 60 working days from the date of receipt of the said decision.

4. This Appeal is a further refinement of the original Appeal as amended by Court decision dated 11th May 2010 No 2010 NZEnvC 157. Subsequent to that decision but also in regard to further work by the Appellant referenced in it – postscript page 9, the Appellant met with the Respondent to clarify the respective grounds, issues and topics involved. It became obvious from the previous work, and at this meeting, that almost all of these matters either sat at or derived from higher level issues in the Plan predominantly in Parts 1 to 3 and specific to strategic focus and structure in particular.

5. As a consequence of the Court's direction to deal with Appeals on a top down basis the Appellant has consolidated the grounds of its Appeals and provided a focus which is top down driven. This results in improved clarity as to the Appellant's position on the Plan in regard to the key issue of Structure specifically. The same result is achieved by extrapolating the essence or core 'complaint' from the matters set out in the Court's decision above, para 25 page 8. It is also consistent with the position taken by the Appellant in almost all of its Hearing Submissions in relation to the whole plan and its structure. For convenience short extracts are provide in a schedule of these Submissions attached as an Appendix hereto.

6. Finally, while very conscious of not wanting to bombard the Court with tonnages or vast 'wads' of material, the Appellant completed a detailed analysis of its submissions specific to the grounds of Appeal it advances and in concert with an analysis of all the Objectives and Policies in the Plan to demonstrate how amendments to accommodate its 'grievances' might be achieved at that level. This material is in draft format and is primarily for the benefit of the Council but is made available to the Court primarily because it shows the nexus between the Appellants submissions and Appeal grounds.

7. The nature of the Planning matters that are the subject of this Appeal, are set out below:

(a) Inadequate consideration of Section 32 RMA, in relation to the structure of the Plan in particular and the lack of provision of an appropriate structure and strategic framework for the Plan and linkages thereto, specific to:

(i) landscape provision generally and in relation to strategic focus in particular, and rural and coastal landscape protection in particular,

(ii) village containment generally and sustainable urban growth containment within a National Park, and the adoption of the Principles of the 'Essentially Waiheke' strategic study and the protection of the open character of the rural areas of the island in particular,

(iii) integrated catchments management generally and provision of life supporting CMA catchments and ongoing monitoring including six waters management in particular,

(iv) inadequate coastal protection provisions within the Plan, in relation to preservation of the natural character and outstanding features of the coastal environment and strategic focus in particular.

(b) Inadequate provisions specific to Sections 7 and 8 of the HGMPA 2000 as a NZCPS generally and within the objectives and policies in the Plan and as an assessment criteria in particular.

(c) Inadequate heritage provisions.

(d) Inadequate provisions for the sustainable management of resources.

(e) Inadequate provisions for the effects of climate change.

(f) Inadequate Maori interest provisions.

(h) Inadequate provision in terms of making the Plan user friendly and readable generally and additions to the Map provisions specifically.

(i) Inadequate preparation and provision for Spatial Planning.

8. The reasons for the Appeal are:

(a)The reasons as stated in the Appellant's original submissions, further submissions and hearing submissions in relation of the provisions of the Plan subject of the decisions aforesaid.

(b)That the relevant decisions taken do not adequately comply with or give effect to the provisions of the Resource Management Act 1991, fail to promote sustainable management of natural and physical resources, and to fail to appropriately provide for the well being of the Waiheke Island community, and are contrary to the provisions of Part II RMA and the Hauraki Gulf Marine Park Act 2000.

(c)That the relevant decisions do not fulfill the Council's functions under Section 31 of the RMA or meet its duties under Section 32, or satisfy the requirements of Sections 74 to 76 of the Act.

(d) That the Court is able to exercise powers under Sections 292 and 293 of the RMA to remedy the defects complained of and to order the changes, alterations and amendments sought.

(f) As further stated and detailed below in relation to each ground and aspect of the decisions under appeal.

9. The Appellant seeks the following relief:

(a) To the extent that it has not been granted by the decisions at issue, such relief as was sought in the Appellant's submissions in relation to each aspect of the Plan, subject of the decisions aforesaid.

(b) Without limiting the generality of the above, the specific relief sought in relation to each aspect of the decisions as set out and specified below.

(c) Such further and consequential relief as the Court considers necessary or appropriate to give proper effect to the relief sought.

(d) Costs.

Appeal ground (a) – Inadequate Structure of the Plan, provision for landscapes and coastal protection, village containment and peri-urban status within a National Park, catchments management and strategic management areas.

10 The Structure of the Plan is inadequate because it was not the subject of the analysis required by Section 32 and that it is not, as a result, the most appropriate structure for meeting the aims and objectives of the Section 32 reports for Part 2 and Part 3, and so fails to most appropriately facilitate achievement of the Purpose of the Resource Management Act. Most significantly, there is no clearly articulated community endorsement for the structure provided, as Section 5 of Part 2 RMA indicates would be needed to authenticate the community well-being imperatives. The same short comings exist in relation to the sustainable management of resources objective in Section 5. There is no Section 32 report for Part 1 of the Plan. The Section 32 reports on Parts 2 and 3 of the Plan have not been updated as required by s55(2)(b) RMA, especially as regards Part 2, paragraph 4.1.2.4 Water objectives – Clause 2.5.6 of the Plan, and Part 3 paragraph 5.3 of the Plan; specific to the Hauraki Gulf Marine Park Act 2000. No analysis or reconciliation has been provided as to the appropriateness of the methods referenced in the Part 2 Section 32 report – paragraphs 4.2 and 9.0, and in the Part 3 Section 32 report – paragraphs 4.2 and 9.0, or in relation to the Structure of the Plan – Part 1.4. As a result the structure of the plan is inconsistent with its Part 2 and Part 3 objectives, and with the principles of the 'Essentially Waiheke' Strategic Study. This will inevitably lead to seriously flawed implementation of the plan.

11 The simplistic reduction of the Strategic Management Area mechanism to one area on Waiheke Island is not supported. Reinstatement of Eastern and Western Strategic Management Areas for Waiheke Island is a priority amendment. The strategic issues are very different between these two areas and it is essential that this demarcation is continued at the strategic level, and articulated in particular by providing different land units, policies and objectives for each, so that there are no land units within both East and West Waiheke that are the same. This prevents planning creep between the two. It critically also provides an opportunity for customized planning solutions for the Eastern part of Waiheke Island that represents and maintains the rural essence of the island, while providing opportunities for intensive and diversified economic use of productive land.

12 The demarcation between these two strategic areas is also represented on the ground by an ecological corridor that runs across the island at the Boundary between them – see Figure 3.1. This 'natural' demarcation is one of the essential characteristics of the island that the Plan must critically not only accurately articulate but also protect and enhance. Finally, this strategic approach encapsulates and reflects the four locations of major catchments and their systems which are seen as the critical framework for environmental management in the Plan.

Relief sought

13 The specific relief sought includes amendments to the Plan to provide three new layers into the Structure of the Plan - Part 1.4.

14 Firstly, in relation to rural landscape and coastal landscape protection, by implementing the RMA Section 6 (a) to (e) provisions in particular, by recognizing the effect of Sections 7 and 8 of the HGMPA as a NZCPS, by adopting the Principles of the 'Essentially Waiheke' strategic study, by protection of the open character of the rural areas of the island and by acknowledging that Waiheke Island is part of a National Maritime Park. These outcomes are to be achieved by providing a new Landscapes Protection layer in the Plan. This layer or **strategic spatial framework** would provide mechanisms for the administration, protection and enhancement of these areas. In particular, this would be achieved by defining categories of landscape via their specific characteristics, elements, and patterns, which would then be specified in LU objectives and policies and given effect to through them and the underlying rules, for example in relation to subdivision assessment criteria. Via these mechanisms landscapes would be divided into categories such as outstanding natural landscapes, highly valued landscapes, outstanding cultural landscapes, rural protection and rural amenity landscapes and coastal protection and coastal amenity landscapes and others as appropriate.

15 This proposal is neither radical or especially innovative and builds on and strengthens work done in the HGIOP around landscapes and the direct linkage to catchments. We quote from the Environment Courts March 2005 decision on the Matiatia case [Waitemata Infrastructure Limited v ACC] – para 132 page 39:

16 *" Mr D.J.Scott, a Landscape Architect with long experience and involvement in Waiheke Planning matters, gave evidence on behalf of CAPOW. He spoke about past development of the Waiheke Island landscape framework for planning purposes, including extensive community consultation. This planning was done by development of* ***a strategic spatial framework*** *for proposed landscape management based around the 4 principal physical water catchments of the island, comprising the Western end of the island, the central area with a somewhat urban focus, a rural hinterland to the east of that, and the slopes of the eastern end of the island"- [our emphasis].*

17 As referenced in its Hearing Submissions which review all the major landscape studies done on the Island's landscapes back to the Scott and Marchant study 1986/7, the Appellant does not support the conclusions reached in the Hudson Landscape studies that underlie the Plan. In moving away from the foundation built in the HGIOP in this area the Council is guilty of at least legerdemain. This is evident from the evidence given by their Planner Sarah Nairn in submission on Plan Change 8 to the ARPS para 3.4 which talks about a clear direction from residents and policy documents towards protection of landscape and at the other end of the spectrum stringent opposition to landscape protection controls. She cites as evidence for her conclusion 'that the council had the balance about right with respect to landscape controls', – the findings of a telephone survey of 1,000 residents. The survey as a measuring tool is suspect at the very least, and even the 'right balance' conclusion relied on was only supported by 42% of those surveyed [page 35] – with little data provided as to how informed that decision making was. The conclusion promoted is the result of selective editing at best as it ignores the input on landscape issues during the review phase from the Landscape focus group and the Community Photo survey. Even the telephone survey [page 34] showed 76% in favor of retention of the green buffer zone which is a critical strategic function of the LU 20 Landscape Protection LU in the HGIOP.

18 **The protection and enhancement of all landscapes is the key outcome and strategic imperative for the Plan because they define and prescribe the essential character of the island, they are innately definitive of amenity, they are by definition a record of heritage, they prescribe key aspects of the quality of the residential amenity and the 'branding' of the island as a visitor destination or in other words they fundamentally represent and predicate the social, cultural and economic well being of the community - Section 5 / Part 2 RMA.**

19 Secondly, by complimenting the Metropolitan Urban Limits in the ARPS by providing a Village Containment Area framework, and in so doing make explicit the position that the Hauraki Gulf Islands, as small peri-urban island communities within a National Park, ought properly to fall outside the Auckland Regional Growth Strategy and like urban planning exercises. This would be achieved by providing Village Containment Areas in the Plan, parallel to the Settlement Areas on the Barrier. Village Containment Areas reinforce strong heritage linkages with the Principles of the 'Essentially Waiheke' Strategic Study and its focus on the Village, Rural and Community dimensions of the island, and with protection of the open character of the rural areas of the island.

20 Thirdly, by especially recognizing the HGMPA by making a spatially located catchments layer explicit, tied to provision of a life-supporting catchments environmental monitoring mechanism as the focus of a six waters management strategy in the Plan. This has the bonus of reconciling and providing a focus on, stream health and aquifer management and broader ecological consciousness that in turn facilitates community buy-in and participation. It also provides a powerful mechanism to give effect to the HGMPA and to link to regional and other planning that has a catchments content and / or focus. The Waiheke Island and Gulf Island communities have an existing and historical awareness of and commitment to catchments and ecological enhancement and protection, in regard to the former in relation to wetlands in particular.

21 Fourthly by reinstating the Western and Eastern Strategic Management Areas in the HGIOP.

Appeal ground (b) lack of provision for HGMPA ['the Act']

22 The Hauraki Gulf Island communities have a high level of awareness of the HGMPA and a consciousness that they are part of a National Maritime Park. For a long time groups in these communities have struggled to get explicit reference to and recognition of the provisions of this Act within planning documentation at both regional and territorial levels. Community groups have initiated or participated in Appeals from Resource Consent decisions and argued within that context from greater recognition of the Act in case law and have participated at the same level when Councils have sought to make changes to incorporate the Act themselves – see Plan Change 39 of the HGOPP for example. The strongly held view is that current provision in the Plan is inadequate because it is non-specific, unfocussed and too vague in application.

23 It is recognized and accepted that the Act's provisions that constitute a NZCPS must be given effect to within these instruments. What is wanted in a nutshell is for this to be explicit and detailed in objectives, policies and rules, tied to and giving effect to specific provisions / parts of the Act. It is also recognized that the Act must be part of the assessment and evaluation context when assessing landscape and residential amenity qualities or when assessing how coastal

protection might be given effect to within the Plan. The Act is also relevant to effects assessment – to cite one well-known example, the need for rules around spray use in vineyards where there is a risk of spray residues entering water ways / wetlands and / or the sea.

24 The Act also applies to landscape and coastal protection values held by many people using the Hauraki Gulf that are not necessarily resident within Gulf communities. This obviously includes visitors and ties back to branding and economic well being for those communities. It also refers to recreational users, fishermen and 'boaties' who use the Gulf in their thousands and value the landscapes and recreational amenity the islands represent for them. These values need explicit recognition in the Plan.

Relief sought

25 The Plan must be seen through the lens of the HGMPA, in particular through the Preamble in that Act with its focus on catchments and ecosystems and interrelationships, and the focus in Sections 7 and 8 of the Act upon management of the interrelationships with catchments and their ability to sustain the life supporting capacity of the environment.

26 As a result there needs to be far more comprehensive and detailed coverage of the Act in the Plan, emphasizing both its local and regional importance and application, as well as its National importance. In addition the Appellant wants to see specific and explicit provisions in the Plan articulating the various dimensions in Sections 7 and 8 of the Act [particularly in reference to the environmental monitoring of life supporting capacity], within objectives and policies linking to rules to provide effective enforcement. In addition there should be specific identification of linkages showing the relationship between the Act's provisions and Section 6 RMA matters in particular – in regard to protection and enhancement of Maori heritage for example.

27 Finally in relation to assessment the Appellant wants provision of a mechanism at the assessment level akin to the provision put in place via PC 39 in the HGIOP – requiring applicants for Resource Consents to undertake and provide an assessment of their proposal and its effects on the values articulated, protected and enhanced in the Act. Council could provide detailed guidance in this regard as part of the material provided to applicants.

Appeal ground (c) inadequate heritage provisions

28 The present heritage provisions in the Plan are inadequate across three major dimensions. Firstly they are inadequate in terms of their coverage, and in regard to coverage of Maori heritage and maritime heritage in particular. Secondly in relation to built heritage and mechanisms for protecting that heritage, the proposed Rocky Bay Conservation Area being the primary example. Thirdly they

are inadequate in relation to recording of archaeological sites and the controls in the Plan for protection of those sites. All three areas link strongly to the HGMPA.

29 The first area of inadequacy is largely in relation to specific sites and instances and is covered in detail in submissions either specific to the heritage provisions or in relation to other Land units where they arise, two examples being the kainga and urupa area at Matiatia and heritage values specific to the Piritahi marae and its immediate surroundings partly dealt with under the Recreation 1 LU. It seems extraordinary that Council has still not been able to identify and agree on Maori Heritage sites for the Plan given the intensity and importance of Maori heritage in the Gulf. As a subtext there is also untapped potential for greater rights of management and control of heritage sites of especial importance to Tangata Whenua under the RMA [eg Section 33] that go beyond the relatively tokenistic step of representation on a committee specific to Rangihoua Maunga.

30 In relation to built heritage the Council has backed away completely from the Rocky Bay Conservation area proposal without attempting to explore and provide a middle ground solution that, with proper consultation would attract local and wider community support. The provision of a community scale design benchmark and use of a Waiheke island specific design panel would help to protect the context of built heritage but scope remains for additional levels of protection both in relation to additional examples and in regard to broader control and protection mechanisms.

31 In regard to the archaeological sites issue, identification of midden areas and controls around them attracted significant submission opposition and could be further fine tuned. There does not appear to have been any direct and detailed input from Mana Whenua in these processes, which might seem extraordinary in itself. Finally in relation to other archaeological sites, use constraints and controls for these areas appear draconian in some instances [see Appeal Gordons v ACC] and again there is likely to be scope for some amelioration of the effect of these provisions in consultation with and via approval of Ngati Paoa as Mana Whenua, or via other recognized mechanisms.

Relief sought

32 The addition of several examples of important heritage sites excluded from the Plan identified in submissions.

33 The identification of specific built heritage values in village areas that are part of the character of the area and that contribute to the built character of the islands, linked to controls, in part voluntary, to protect and enhance those values.

34 Revision of the identification of archaeological sites, and the provisions for management and control of those sites in the Plan, in full consultation with Tangata Whenua.

Appeal ground (d) inadequate provision for the sustainable management of resources.

35 The explicit and mandatory provision for sustainable management of resources, particularly in relation to objectives, policies and rules is largely absent from the Plan. There is limited non-mandatory provision around sustainable building development. Evidence available suggests that this outcome was the direct result of political interference in the Plan compiling process.

36 This compares with the desire of the community focus group that worked in this area during the review, to have a specific part of the Plan dedicated to these outcomes with rigorous mandatory provisions. There are important linkages here with other parts of the Plan, so that within the thinking behind management structures and mechanisms to protect and enhance landscapes, ought to sit the objective that landscapes are managed as a resource to be available for future generations. The same thinking applies to heritage and visual / residential amenity values. When weighed with other considerations, such as those in Section 6 RMA in particular, there is the expectation there should be a comprehensive, mandatory specific sustainable management presence in the Plan. There is not.

37 It also justifies at the edge of resource management explicit use of prohibited activity status to ensure that significant threats are clearly eliminated rather than being able to thread their way through the gateways in Section 104. Recent case study analysis of a number of Resource Consent cases in the Gulf demonstrates this need and the creeping erosion of these key values in the absence of adequate provision in this area. Increasingly the scale and ownership structure of some development proposals on Waiheke threaten the essential character of the island and as a result the well being of the community. This requires response mechanisms in terms of sustainability, that are customized to the island and the values and 'world view' of its community.

Relief sought

38 The introduction of a sustainable management objective in all land units, tied to policies specific to key values and issues, especially those in Section 6 RMA and the use of prohibited activity status to eliminate potential threats from the effects of inappropriate development and / or activities.

39 Provision within Resource Consent application processes for protocols for more significant proposals to be referred to an 'Essentially Waiheke' Design Panel for advice on the sustainability and community scale of the design. The panel should also advise on infrastructure design from the same reference points, to provide advice on storm water provision, and walkway, cycle way and road / pavement

specifications, and the ownership and ongoing management of Marinas, as some examples.

40 To that end a definition of 'community scale' should be included in Part 14 of the Plan, the definitions section. The definition should describe a scale and legal and ownership structure, that protects, and where possible enhances the long term well being of the communities of the Gulf islands by recognizing the essential character of their built form heritage and its ownership and management patterns.

Appeal ground (e) inadequate provision for the effects of climate change.

41 As with ground (d) above, there is a need for explicit and comprehensive provision in the Plan in this area, not the least because the Plan deals with islands in a Gulf. Again there are linkages to Section 6 matters, and specific linkage to the HGMPA and again there is a need for explicit and comprehensive provisions in the Plan in this area, particularly in relation to the protection of the coastal environment. Equally a precautionary approach ought properly to constrain some development and activities adjacent to the CMA and on the foreshore, and would justify explicit coastal management mechanisms within the Plan. Planning for greater coastal erosion from sea level rise and storm surge is one of a number of examples of issues that need planning intervention in this context. Again, as with the previous ground, there is evidence available to suggest that lack of comprehensive provision for this area in the Plan was the result of inappropriate political interference.

Relief sought

42 The inadequate provision in the Plan would be resolved by the introduction of a 'climate change' objective in all land units with coastal margins, tied to appropriate and explicit policies and rules. These provisions should be supported by the inclusion of suitable micro management mechanisms [such as coastal protection zones] for especially vulnerable areas such as beaches.

Appeal ground (f) – inadequate Maori interest provisions.

43 There is considerable overlap here in relation to heritage and archaeological sites referenced above. However the Plan's approach in this area is minimalist rather than either comprehensive or generous. There are no opportunities for Mana Whenua to be actively involved in the control and management of areas that are of special significance to them [beyond a tokenistic committee membership in relation to Rangihoua Maunga] despite mechanisms to do this in the RMA and an imperative to foster Maori participation in the Local Government Act 2002. The Plan might have made provision for the exercise of Kaitiakitanga within coastal management mechanisms or in relation to management of Land Units of significance to them such as Marowhenua Pa / Commercial 6 – Quarry. It is worth noting that in this example that the land is owned by Council.

44 Nor is there specific provision for Ngati Paoa station on the island or for access to locations of particular interest to Maori such as sites of taonga raranga or mahinga mataitai. Finally, while covered under heritage, there are several sites on Waiheke island of particular interest to Maori in both cultural and heritage terms, beyond specificity to Mana Whenua. The Tauranga waka [canoe landing site] of Te Arawa canoe, on the island, where the ancestral waka was re-lashed, deserves heritage protection, as does the Piritahi marae site and surrounds which has layers of heritage significance.

45 Because of the layered nature of Maori occupation of the Gulf islands there are a number of locations of significance to iwi other than Ngati Paoa that deserve at least assessment and possible identification on Planning maps and some level of protection from interference from the public or in some instances private land owners.

Relief sought

46 Amendments to the Plan to provide additional recognition of the Maori interest both specific to Mana Whenua and for Taura Here, in regard to the relationship between Maori their lands, waters and sites in particular – Section 6(e) RMA.

Appeal ground (g) – Additions to Map provisions and provisions to make the Plan user-friendly / readable.

47 Further maps are needed in the Plan. Before discussing those it should be noted that the existing maps need to be amended to show the Western and Eastern Strategic Management Areas. As to new maps, firstly, an additional map to show the Catchments on the islands, to give visual form to catchments management and to facilitate life-supporting catchments monitoring. These maps already exist and will not need to be specifically created. Secondly, an additional map showing the different categories of landscape character, again base level maps exist but will need amendment. Thirdly, a map showing the Village Containment Areas on Waiheke Island.

48 Finally, an additional map is needed to show the relationship between the inner islands which has relevance to aspects of the Plan that apply in this wider sense, such as the location of transport facilities on Waiheke island relative to travel to other islands. Similarly, bellbirds recently released on Waiheke now commute to Motuihe island and conservation and tourism relationships between islands are becoming increasingly relevant. Recent legislation provides for Spatial Planning that will assume and articulate these relationships.

49 Finally in relation to maps an issue came up in submissions about the mapping of the Site of Ecological significance that takes in the Okahuiti wetlands and Te Toki

Reserve. It appears that an error took place so that properties in Wilma road were excluded. It is not clear if this has been remedied.

50 There were a raft of submissions on the need to make the Plan user-friendly and some attempt by Council to respond to these. The main areas of complaint related to the complexity of language used, the way some objectives and policies were expressed which led to confusion and the lack of linkages between parts of the Plan. The PUCM Plan making guide deals with these areas in more detail and in terms of best practice.

Relief sought

51 Inclusion of the additional maps referenced above and correction of the mapping error referred to, if needed.

52 The Plan can be made more user-friendly by a peer review of the Plan using the PUCM guidelines to identify areas where the language, structure and linkages can be improved and implementation of those changes. Secondly, by provision of an 'Everymans' Summary of what the Plan is and how it works, as a Preamble to the Plan.

Appeal ground (h) – preparation and provision for Spatial Planning

53 This to a degree addresses the issue of future proofing the Plan while recognizing that the Local Government (Auckland Law Reform) Act 2010 provides for a Spatial Plan for the Auckland Region, including the Gulf islands. The proposed Plan has moved away from good fits and transitions in this regard, in relation to landscape and catchments in particular. The relief sought under previous grounds sets out to address these short comings. It has been mooted, for example by the Hon Peter Salmon at the June 2010 EDS Conference, that the Hauraki Gulf might be provided with a distinct and separate Spatial Plan section, which only increases the importance of ensuring that the Plan under consideration can be transitioned easily and effectively into the new framework.

Relief sought

54 The various areas of relief set out with earlier grounds, in particular the introduction of additional spatial layers to the Plan. In addition, while outside the Court's jurisdiction, the Appellant emphasizes its desire to have early input into the structure and content of the new Spatial Plan.

Signed: Waiheke Island Community Planning Group Inc

..... **Chairman**

Dated: 7th June 2010

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Appendix – References in Submissions

1. Whole Plan and Parts 1 to 3 – Submission dated 27th September 2007 – comprehensive critique of both structure and content.
2. Part 8 Natural Hazards – Submission dated 18th February 2008 – page 1 'design and structure fundamentally flawed' and page 7 'framework of the Plan as a whole ..... is inadequate'.
3. Part 4 General Rules – Submission dated 17th March 2008 – 'totally inadequate'.
4. Recreation 1 and 2 – Submission dated 1st April 2008 – 'significant areas of this part of the Plan require to be reviewed, mandated and amended as part of a similar process that needs to occur when the Plan is re-written' – page 3.
5. Text General – Submission dated 6th May 2008 – Plan 'incorrectly structured' – page 2, need for catchments based framework – page 1.
6. Part 13 Transport and Commercial LU 1 to 7 – Submission dated 4th June 2008 – Plan needs to be 'restructured'.
7. Part 5 Network Utilities – Submission dated 9th June 2008 – 'framework of Plan incorrectly structured and inadequate' – page 3.
8. Part 12 Subdivision – Submission dated 15th July 2008 – 'I am reminded of Commissioners being advised by expert Mr Dennis Scott, that the critical strategic framework to landscape planning in the HGIPP was remarkable, because it was not there. The same applies to the wider planning needed in the Subdivision context' – page 2.
9. Part 10a – 18 Matiatia LU Submission dated 14th August 2008 – 'Taking these various matters in concert and cumulatively Part 10a – 18 needs to be comprehensively reviewed, re-written, re-structured, upgraded and mandated as part of the process that needs to occur when the Plan as a whole is re-written' – page 3.
10. Part 10a – 24 Recreation and Conservation – Submission dated 18th August 2008 – 'both parts need to be amended and upgraded'.
11. Part 7 Heritage – Submission dated 29th September 2008 – 'structural deficiencies' - page 7.
12. Parts 6,9,11 and 14 – Submission dated 14th October 2008 – 'broad inadequacies and structural deficiencies'.
13. Part 10a – 19 & 20 Rural 1 and 2, Submission dated 31st October 2008 – conclusion on page 5 – this is an 'important part of the strategic framework for the Plan ..... it will need to be re-done'.
14. Further submission dated 28th May 2007 in support of WISDG primary submission # 3715 dated 8th January 2007.