

Form 7
Notice of appeal to Environment Court
Against decision on proposed policy statement or plan

Clause 14(1) of First Schedule, Resource Management Act 1991

To The Registrar
Environment Court
Auckland

I, Alan Hight Gray and Doreta Joyce Aldyth Gray, appeal a decision of Auckland City Council on the following plan:

Proposed Auckland City: Hauraki Gulf District Plan (2006).

I made submissions on that plan.

I received notice of the decision on 1 May 2009.

The decision was made by:

Auckland City Council and is dated 4 May 2009

The part of the decision that I am appealing is:

1. *The Council's decision to reject my submission 2432/3 seeking an extension of Claris Light Industrial Area*

The Council's decision rejected my submission (2432/3) which requested an extension of the Claris Light Industrial Area (CLIA) shown in Figure 10b.3 in Part 10b of the Plan on the "Gray Property" located between Hector Sanderson and Gray Roads, Claris, legally described as Lot 2 DP 349202 (16.5370ha) in accordance with the plan entitled "Requested Zoning of Gray Property Hector Sanderson and Gray Roads, Claris Lot 2 DP 349202 (16.5307ha)", which formed part of submission 2432.

In particular the Council's decision fails to recognise that the operation of the existing sand quarrying activity extends from Lot 1 DP 150350 (land included within the CLIA) onto the adjacent area of land on Lot 2 DP 349202 (not included within the CLIA). The decision has not provided appropriate zoning of Lot 2 DP 349202 for the existing activity and the continuation of sand quarrying activities on that land.

2. *The Council's decision to reject my submission 2432/4 seeking zoning of part of my land to Island Residential 2 to enable the creation of at least 3 lots.*

The Council's decision rejected my submission (2432/4) seeking zoning of part of my land to Island Residential 2 to enable the creation of 3-6 lots. The area of my land located between the Claris Nursery and Garden Centre and the unformed road that runs in a north easterly direction between Hector Sanderson Road and Gray Road is suitable for a small number (at least 3) bush living sites, which would enable low level residential activity to be established in conjunction with ecological protection and enhancement of the higher quality and emerging vegetation in this area.

The allocation of zoning that provides for the establishment of bush residential activities adjacent to Hector Sanderson (in conjunction with the CLIA zoning fronting Gray Road) would also create the opportunity for the establishment of a reserve linking the existing

paper road (forming the eastern boundary of the property) through to the triangular shaped Council reserve located on the eastern side of the "crossroads" intersection.

The future reserve area would enable the creation of a walkway system extending through the site, to Gray Road (along the paper road) and back to Claris airfield and settlement. The future reserve area contains mixed regenerating vegetation, wetland areas and a small volcanic cone feature.

3. *The Council's decision to reject submissions 2434/2 and 2434/3 seeking to provide permitted activity status to residential activity ancillary to light industrial activity in the Claris Light Industrial Area*

The Council's decision to reject submissions 2434/2 and 2434/3 which request an amendment to Activity Table 10b.18.1 (originally Table 10b.20.1) to provide permitted activity status for a residential unit ancillary to an established "light industrial" activity.

4. *The Council's decision to reject submissions 2434/2 and 2434/3 seeking to provide permitted activity status to sand quarrying in the Claris Light Industrial Area*

The Council's decision to reject submissions 2434/2 and 2434/3 which request an amendment to Activity Table 10b.20.1 (originally Table 10b.20.1) to provide permitted activity status (as opposed to Discretionary Activity Status) for the continuation of existing sand quarrying activities on the submitter's land (part of Lot 1 DP 150350 and Lot 2 DP 349202).

The reasons for the appeal are as follows:

1. The Council's decision does not achieve the sustainable management purpose under Part 2 of the Resource Management Act 1991.
2. The Council's decision is inconsistent with the objectives and policies of the proposed Hauraki Gulf Islands District Plan 2006. In particular, the decisions on the following matters are not the most appropriate way to achieve the objectives of the Plan (section 32(3)(b)).
3. The existing sand extraction activity already extends outside of the CLIA (from Lot 1 DP 150350 into the adjacent area of Lot 2 DP 349202). Sand extracted from the sand quarry is used for a wide range of purposes on the island, including at the Auckland City Council landfill as a filtration medium for the wastewater system, for mixing concrete, by the roading contractors, by the Department of Conservation, by local clubs, the crèche and community groups, including for the creation of a children's sand pit.

The recorded sand extraction over the last 3 yrs is as follows:

2006	250m ³
2007	400m ³
2008	950m ³

As the sand extraction activity is essential to Great Barrier Island, a sufficient area of land should be rezoned for the activity at least for the (10-15 year) life of the District Plan and Permitted Activity status applied to sand quarrying activities within this area. The extended area of sand quarrying activities is shown on the attached plan entitled "*Extension of Claris Light Industrial Area for Sand Quarrying Purposes – July 2009*".

4. The eastern portion of the property contains an area of regenerating native vegetation interspersed with exotic species and contained by plantation trees – pines and blue gums. The area also contains small wetland areas entrapped by old sand dune formations. The area has been stabilised and rehabilitated by the landowner over a 30-year period.

The area contains 5-6 suitable building platforms and can accommodate lots of sufficient area to provide for on-site effluent disposal. Subdivision will enable legal protection of the wetlands and areas of re-generating vegetation. The most suitable zone under the HGI DP is Island Residential 2 (Bush Residential), however an alternative planning method could be used to enable subdivision of this land and a “bush living” land use.

Subdivision of the land will also enable creation of a reserve link through the property as shown on the enclosed plan. Finally, it is considered that there is no potential for “reverse sensitivity” effects to arise from existing/future activities in the CLIA to the north, due to physical separation of the proposed bush residential lots from activities within the CLIA and recognising that residential activity is common within that zone, ancillary to other business activities. If necessary, restrictive covenants can be placed on the lots created by subdivision of this land to address the potential reverse sensitivity issue.

5. It is essential that owners/operators of activities in the CLIA have the opportunity to live on their sites. Most light industrial/business activities produce marginal returns and business owners/operators cannot afford to lease or to own two properties on Great Barrier Island, i.e. a business property and a separate residence.

Residential activities are considered to be appropriate and complementary or ancillary to other identified activities within the CLIA; and/or already exist on a significant number of properties within the zone, but have not been identified or given an activity classification in Table 10b.18.1.

Evidence presented by our Planning Consultant at the Council hearings in July 2008 provided a detailed description of the existing land uses within the CLIA, and brought to Council’s attention the fact that 8 of the 11 properties within the CLIA have an existing or proposed residential use, often in combination with business activities.

Address/Legal Description	Existing/Proposed Activities
Lot 1 DP 349202	Coles Equipment: Civil Engineering and Roading Contactors. Note: owner has resided on site until recently.
56 Gray Road	Vacant site.
56A Gray Road	Residential use, previously honey processing centre
56B Gray Road	Great Barrier Cartage: self-storage units, motor vehicle servicing, WOF testing.
58 Gray Road	Hairdresser and residence .
60 Gray Road	Barrier Building Suppliers – future building supply depot and residence .
60A Gray Road	Vacant buildings – former gas supply and garden centre, currently temporary residential use.
60B Gray Road	Leased for furniture and kitchen manufacture and repair, residential use.
62 Gray Road	Vacant buildings – formerly gas supply and plant nursery business. Temporary residential use.
64 Gray Road	Electrician’s office, workshop and residence .
66 Gray Road	Saw mill, glass and cardboard recycling facilities, commercial sand quarrying business.

The former zoning of the land (prior to the last District Plan review) provided for residential use of land in the former Industrial zone. Simply, people need a place to live and work from, and often cannot afford to establish a separate residential dwelling (with its own power supply and waste water treatment system) on the Island. Should there be any concern (by Council officers) over potential “reverse sensitivity” effects arising from expansion of and further subdivision within the CLIA, it is considered that such concerns can be addressed by placing restrictive covenants on future subdivision of land in the zone, that would apply to any new dwelling or residential unit constructed.

I seek the following relief:

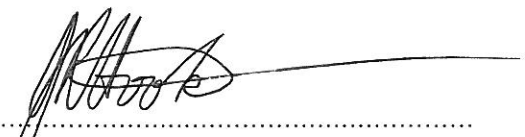
1. Extension of the Claris Light Industrial Area to include the existing sand extraction area on Lot 2 DP 349202 and scope for expansion of that area. In addition, the right to continue sand extraction activities on on part of Lot 1 DP 150350 and Lot 2 DP 349202 as a Permitted Activity in the Claris Light Industrial Area (refer to table below).
2. Allocation of Island Residential 2 (Bush Residential) zoning to the area of land between the Claris Nursery and Garden Centre and the unformed road that runs in a north easterly direction between Hector Sanderson Road and Gray Road as shown on the plan entitled “Requested Zoning of Gray Property Hector Sanderson and Gray Roads, Claris Lot 2 DP 349202 (16.5307ha)” to enable the creation of between 3 and 6 allotments and protection of the surrounding re-generating native vegetation at wetland areas.
3. Amend Clause 10b.18.1, Rules – Activity Table by including the following activities:

Activity	Status
Dwellings and/or Residential Activities (where ancillary to any permitted or established activity)	P
Existing sand quarrying activities undertaken on part of Lot 1 DP 150350 and Lot 2 DP 349202 as shown on the plan entitled “ <i>Extension of Claris Light Industrial Area for Sand Quarrying Purposes – July 2009</i> ”	P

4. Any Consequential amendments to any related provisions of the proposed Plan required to give effect to the relief detailed in 1 to 3 above.
5. Any alternative or consequential relief that may be necessary to resolve this appeal.

I attach the following documents to this notice:

- (a) A copy of submission 2432, which includes the plan entitled “Requested Zoning of Gray Property Hector Sanderson and Gray Roads, Claris Lot 2 DP 349202 (16.5307ha)”.
- (b) A copy of submission 2434.
- (b) a copy of the relevant decision: Decision Report 27: Part 10b – Settlement Areas
- (c) a plan entitled “Extension of Claris Light Industrial Area for Sand Quarrying Purposes – July 2009”
- (d) a list of names and addresses of persons to be served with a copy of this notice.



.....
Signature of appellant
(or person authorised to sign
on behalf of appellant)

24 July 2009
.....

Date

Address for service of appellant:	C/- MPC Planning PO Box 8960 Symonds Street Auckland 1150
Telephone:	(09) 623 3755
Fax/email:	(09) 623 3794/ james@mpc.net.nz
Contact person:	James Hook – Planning Consultant/Agent

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).

Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland, Wellington, or Christchurch.

Submission No.

2432

SUBMISSION ON PROPOSED HAURAKI GULF ISLANDS SECTION 2006
 AUCKLAND CITY DISTRICT PLAN
 UNDER CLAUSE 6 OF THE FIRST SCHEDULE
 OF THE RESOURCE MANAGEMENT ACT 1991

To: The Manager
 City Planning
 Auckland City Council
 Private Bag 92516
 Wellesley Street
 AUCKLAND 1036

Name of Submitter:

ALAN HIGHT GRAY.
 Doreta Joyce, Alan Gray

CITY DEVELOPMENT
 11 DEC 2006
 AUCKLAND CITY

1. *The specific provisions of the proposed Plan Change that this submission relates to are as follows:*
 - 1.1 The identification of land to the northwest of Claris as "Claris Light Industrial Area".
 - 1.2 In particular the provision made for the operation of existing and establishment of new or additional activities on the "Gray Property" located between Hector Sanderson and Gray Roads, Claris, legally described as Lot 2 DP 349202 (16.5370ha).
2. *The submission is that:*
 - 2.1 The proposed Plan identifies only that part of the Gray Property that was subject to the a former industrial zoning prior to the last District Plan review within the "Claris Light Industrial Area." The reinstatement of a "light industrial" zoning to this land is supported.
 - 2.2 Adjacent land under within the same property is being utilised for existing activities, including a heritage & arts centre and a nursery & garden centre. These existing activities have been omitted from the Claris Light Industrial Area (or "CLIA") (as shown on Figure 10b.3 – Claris settlement area) despite the land being equally suited for inclusion in the CLIA and the existing activities being specifically identified in Activity table 10b.20.1.
 - 2.3 No provision is made for the establishment of any future activities on the adjacent land, which is equally suitable for the establishment of light industrial and/or horticultural activities subject to development in accordance with the development controls of the Plan. The identified area has the potential to accommodate approximately 6-8 new business activities as shown on the attached plan.
 - 2.4 That area of the submitter's property located between the Claris Nursery and Garden Centre and the unformed road that runs in a north easterly direction between Hector Sanderson Road and Gray Road is suitable for a small number (up to 6) bush living sites, which would enable low level residential activity to be established in conjunction with ecological protection and enhancement of the higher quality and emerging vegetation in this area.
 - 2.5 The allocation of zoning that provides for the establishment of light industrial and bush residential activities on the Gray Property would also create the opportunity for the establishment of a reserve linkage from the existing paper road (forming the eastern boundary of the property) and the triangular shaped Council reserve located on the

Submission on Proposed Hauraki Gulf Islands Section (2006) Auckland City Council District Plan
December 2006

eastern sides of the "crossroads" intersection. The future reserve area would enable the creation of a walkway system extending through the site, to Gray Road (along the paper road) and back to Claris airfield and its local retail/residential areas. The future reserve area contains mixed regenerating vegetation, wetland areas and a small volcanic cone feature.

- 2.6 At present, the Council's proposed identification of land within the CLIA fails to give effect to the sustainable management purpose and principles of the Resource Management Act 1991, in particular the requirement to enable people and communities to provide for their social, cultural and economic wellbeing, and is inconsistent with the objectives and policies of the proposed Hauraki Gulf Islands District Plan 2006.
3. *The submitter seeks the following decision from the Council:*
- 3.1 Retention and implementation of the Claris Light Industrial Area within the District Plan.
- And
- 3.2 Extension of the Claris Light Industrial Area to include the two areas of existing activity on the Gray property, which include the Heritage and Arts Centre on Gray Road and the Claris Nursery and Garden Centre on Hector Sanderson Road as shown on the attached plan.
- And
- 3.3 Extension of the Claris Light Industrial Area to include the adjacent areas of land to enable the opportunity for the establishment of light industrial and/or horticultural activities as shown on the attached plan.
- And
- 3.4 Allocation of Island Residential 2 (Bush Residential) zoning to the area of land between the Claris Nursery and Garden Centre and the unformed road that runs in a north easterly direction between Hector Sanderson Road and Gray Road as shown on the attached plan.
- And
- 3.5 Consequential amendments to any related provisions of the proposed Plan required to give effect to the relief detailed in 3.1 to 3.4 above.
- And/Or
- 3.6 Any alternative or consequential relief that satisfies the submitters concerns.
4. *The submitter does wish to be heard in support of this submission*
5. *If others make a similar submission the submitter would be prepared to consider presenting joint case with them at any hearing.*

Submission on Proposed Hauraki Gulf Islands Section (2006) Auckland City Council District Plan
December 2006

J. Gray

.....*J. Gray*.....

Signed

.....*7 - 12 - 2006*.....

Date

Address for Service:

C/- Meridian Planning Consultants
PO Box 8960
Symonds Street
AUCKLAND 1035

Attention: James R Hook

Phone: 623 3755

Fax: 623 3794

Email: james@mpc.net.nz

**Requested Zoning of Gray Property
Hector Sanderson and Gray Roads, Claris
Lot 2 DP 349202 (16.5370ha)**



Land to be included within Claris Light Industrial Area



Land to be zoned Island Residential 2 (Bush Residential)

