

IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of an appeal pursuant to clause
14 of the First Schedule to the Act

BETWEEN

RONALD A WALDEN

ENV-2009-AKL-000339

Appellant

AND

**AUCKLAND COUNCIL (as
successor to the Auckland City
Council)**

Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge L J Newhook sitting alone under section 279 of the Act

IN CHAMBERS at Auckland

CONSENT ORDER

Introduction

1. The Court has read and considered the notice of appeal and the memorandum of the parties dated 15 December 2011.
2. This consent order relates to the appeal by Ronald A Walden against the proposed Auckland Council District Plan (Auckland City Hauraki Gulf Islands Section) (Appeal Reference: ENV-2009-AKL-000339). The appeal is to be resolved in part only by this consent order.
3. Specifically, this consent order resolves the appeal so far as it relates to the following topics:



- (a) **ENV-2009-304-000458:** HGI – subdivision– land units;
- (b) **ENV-2009-304-000466:** HGI – subdivision – density;
- (c) **ENV-2009-304-000492:** HGI - land use activities – property management plan; and
- (d) **ENV-2009-304-000484:** HGI - land use activities - general.

4. The following parties gave notice to become a party to the aspects of this appeal that are resolved by this order, and have signed the memorandum of the parties setting out the relief sought:

- (e) Answer Services Holdings Limited;
- (f) Waiheke Island Riding Club;
- (g) Waiheke Island Community Planning Group; and
- (h) Environmental Defence Society.

5. The Court is making this order under section 279(1)(b) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) All relevant parties to the proceedings have executed the memorandum requesting this order;
- (b) All relevant parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to relevant requirements and objectives of the Resource Management Act 1991, including in particular Part 2.

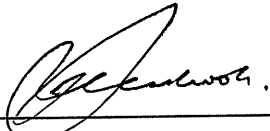


Order

[6] Therefore, the Court orders, by consent, that:

- (a) The Auckland Council District Plan (Auckland City Hauraki Gulf Islands Section) be amended as set out in Attachments 1 and 2; and
- (b) There is no order for costs.

DATED at Auckland this *18th* day of *January* 2012



L J Newhook
Environment Judge



ATTACHMENT 1

Subdivision

Table 12.1 be amended as follows (additions underlined):

Land units	Minimum site area
Landform 1 and 2	25ha
Landform 3	3.5ha
Landform 4-7	25ha
Island residential 1	1500m ²
Island residential 2	2000m ²
Commercial 1-5	1500m ² and special rules apply see clause 12.9.5
Commercial 6-7	NC
Matiatia	Special rules apply, see clause 12.9.10
Open space 1-4, Conservation	Special rules apply, see clause 12.9.6
Rural 1 (Onetangi Road)	5ha
Rural 1 (other areas)	3.5ha
<u>Rural 1 (for the site located at 73 Onetangi Road, Onetangi being Section 1 Survey Office Plan 65859 and Part Lot 17-18 and Part Lot 31 DP 11657)</u>	<u>3.5ha average and 2ha minimum.</u> <u>Note: For staged subdivision, the average site area must be calculated with reference to the parent site as it existed on 22 July 2011.</u>
Rural 2 (outside of Thompsons Point)	5ha and special rules apply, see clause 12.9.7
Rural 2 (Thompsons Point)	Special rules apply, see clause 12.9.7
Rural 3	3ha and special rules apply, see clause 12.9.8
Pakatoa	Special rules apply, see clause 12.9.9
Rotoroa	NC



ATTACHMENT 2

Land use activities

The activity table in Rule 10a.19.5 be amended as follows (additions underlined; deletions shown as strikethrough):

Activity	Status
The construction and relocation of buildings, including buildings used for any of the other activities listed in this table ¹	RD
Alterations and additions to the exterior of existing buildings including buildings used for any of the other activities listed in this table. However this does not apply to minor alterations and additions as defined in part 14 - Definitions ¹	RD
<u>Art galleries and museums</u>	<u>D</u>
Dwelling (one per site)	P
Entertainment facilities within the Onetangi Road area identified on figure 10a.2	D
Function facilities within the Onetangi Road area identified on figure 10a.2	D
Home occupations	P
Homestay	P
Horticulture	P
Multiple dwellings	D
<u>Open Air Markets</u>	<u>D</u>
<u>Outdoor adventure activities</u>	<u>D</u>
Pastoral farming	P
Residential accessory buildings	P
Restaurant, cafe and other eating places within the Onetangi Road area identified on figure 10a.2	D
Tourist complex within the Onetangi Road area identified on figure 10a.2	D
Visitor accommodation for more than 10 people	D
Visitor accommodation for up to 10 people	P
Wineries y within the Onetangi Road area identified on figure 10a.2	D

Legend

P = Permitted

RD = Restricted discretionary

D = Discretionary

