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16 FEB 2011

15 FEB 2011

IN THE MATTER

HENDERSON  
of the Resource Management Act  
1991

AND

IN THE MATTER

of an appeal under clause 14 of  
the First Schedule of the Act

BETWEEN

THE SALVATION ARMY NEW  
ZEALAND TRUST BOARD

ENV-2009-AKL-000246

Appellant

AND

AUCKLAND COUNCIL  
(FORMERLY AUCKLAND CITY  
COUNCIL)

Respondent

BEFORE THE ENVIRONMENT COURT

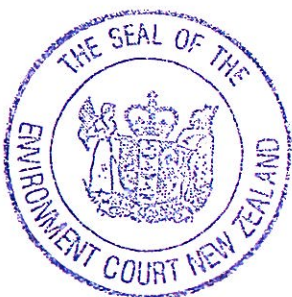
Environment Judge L J Newhook, sitting alone under section 279 of the Act

IN CHAMBERS at Auckland

CONSENT ORDER

**Introduction**

1. The Court has read and considered the appeal and the memorandum of counsel in support of the draft consent order dated 3 December 2010, memoranda of counsel dated 21 December 2010 and 7 February 2011 in response to directions from the Court, and memorandum of counsel in support of the amended draft consent order dated 10 February 2011.
2. No person has given notice to become an interested party to this appeal under section 274 of the Act.
3. All parties have signed the memorandum dated 10 February 2011 setting out the relief sought.



4. 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 that for the present purposes that:
- (a) All parties to the proceedings have executed the memorandum requesting this order; and
  - (b) All 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 Act, including Part 2 of the Act.

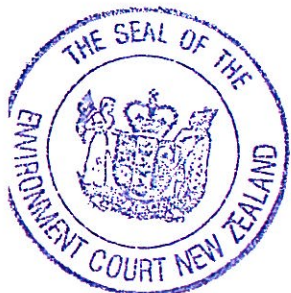
### Orders

5. Therefore, this Court orders by consent that:
- (a) Table 10c.5 be amended to state that the building coverage for the Rotoroa land unit conservation/residential area is:
    - 600m<sup>2</sup> per dwelling and associated residential accessory buildings
    - 250m<sup>2</sup> for the visitor information centre
  - (b) Table 10c.5 be amended to state that height limit for the Rotoroa land unit conservation/residential area is "5m."
  - (c) Clause 10a.27.7.1 'Matters of discretion for multiple dwellings and associated residential accessory buildings' be amended to state:

**10a.27.7.1 Matters of discretion for multiple dwellings and associated residential accessory buildings**

When considering an application for multiple dwellings and associated residential accessory buildings, the council has restricted its discretion to considering the following matters:

    - scale
    - form (design)
    - colour
    - appearance
    - location
    - accessways and tracks
    - landscaping and revegetation
    - removal of existing buildings
    - public access
  - (d) Part 10a.27.3 - objectives and policies be amended to state:



### **10a.27.3 Objective**

To facilitate and manage the development of residential, conservation and visitor activities while ensuring that the landscape character and natural features of the island are protected, and enhanced where appropriate.

### **Policies**

1. By providing suitable areas throughout the island for public access and recreation activities.
2. By ensuring that the scale, form, colour, appearance and location of residential buildings will not have an adverse effect on the natural character and heritage features or landscape character of the island.
3. By requiring revegetation to be undertaken so that potential adverse effects of residential buildings are mitigated and the natural character of the island is maintained.
4. By requiring buildings and activities for visitors to be planned and developed in a comprehensive and integrated manner so that the landscape character of the island is protected.
5. By ensuring that the nature and intensity of visitor activities will not detract from the amenity or character or natural features of the island.

(e) Clause 10a.27.7.3 be amended to state:

### **10a.27.7.3 Assessment criteria for multiple dwellings and associated residential accessory buildings as restricted discretionary activities**

1. The extent to which the proposed building(s) is integrated with the natural landscape by:
  - Being of a scale, form, appearance and location that are not visually prominent.
  - The extent to which modulation within the façade prevents the dominance of any one single plane.
  - Articulating the building mass to avoid the appearance of a multi-level dwelling relative to land slope. Aligning buildings to run along contours where practicable. Having an external colour palette that is integrated with the hues of the surrounding natural landscape.
  - Locating buildings in reasonable proximity to each other to encourage a cohesive appearance.
  - Being of a scale, form and location so that it maintains the visual coherence of the landscape character by not breaking the expanses of indigenous vegetation, or the pattern of any natural features such as coastal escarpments, ridges or prominent slopes.
  - Being located so that it does not dominate or detract from natural landscapes, natural features (such as beaches) and the coastal character of the island.
  - Being of a scale, form, colour, appearance and location that does not give rise to cumulative effects within the natural landscape.



2. The extent to which the revegetation plan shown on Figure 10a.5 (Rotoroa) has been implemented and/or will be fully implemented prior to the completion of the new dwelling(s) within the residential sites.
3. The extent to which a residential site specific planting plan complements the overall revegetation plan shown on Figure 10a.5 and demonstrates that:
  - planting will assist to integrate the building and will maintain the natural landscape character of the island
  - such planting will be undertaken in accordance with best practice including (but not limited to) sourcing plant stock from within the ecological district where possible
  - the plant species used in the planting plan are not of an invasive nature and can coexist with the wider native revegetation framework shown on Figure 10a.5
  - where appropriate, exotic species such as pine trees, will be removed
  - methods are proposed for the control and management of weeds and animal pests
  - legally binding mechanisms have been proposed which ensure that domestic cats cannot be kept on the island.
4. The extent to which any accessway or track to the proposed building(s) will have adverse effects on the landscape character or natural features of the island.
5. The extent to which existing buildings will be removed before or concurrently with the construction of the new building(s).
6. The extent to which public access will be provided for, particularly to the beaches identified in Figure 10a.5: Rotoroa which are marked as having indicative beach access.

(f) Clause 10a.27.4 – Resource management strategy be amended to state:

#### **10a.27.4 Resource management strategy**

The resource management strategy for Rotoroa is to divide the land unit into two different areas that are cohesively designed and managed to maintain, and where appropriate, enhance the landscape and natural character. Although Rotoroa is in private ownership, public access is to be provided in appropriate locations on the island and to the beaches identified in Figure 10a.5: Rotoroa, which are marked with indicative beach access. The two different areas recognise that each of these areas will be used and developed in different ways.



The areas are as follows:

**1. Conservation / residential area**

This area covers the majority of the island, including all of the coastal margins. The primary role of the area is to provide for conservation.

As an adjunct to the conservation role, there is provision for up to ten dwellings to be located on the northern portion of the island. In order to mitigate any adverse effects of these dwellings on the landscape character of the island, the existing buildings will be removed (except caretakers' dwellings), revegetative planting will be undertaken, and buildings will be assessed to ensure that they are of an appropriate scale, form, colour and location.

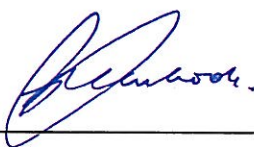
Public access is also to be provided along walking tracks and to the beaches identified in Figure 10a.5: Rotoroa which are marked with indicative beach access.

(g) Figure 10a.5 Rotoroa be deleted and replaced with the new Figure 10a.5 Rotoroa (attached as "A" to this consent order).

6. The appeal is resolved in its entirety.

7. There is no order as to costs.

DATED at Auckland this 11<sup>th</sup> day of February 2011



L J Newhook

Environment Judge



# A

Figure 10a 5 Rotorua

