

Shann McAnulty



IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

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

BETWEEN

AG & JL MITCHELL

ENV-2009-AKL-000321

Appellants

AND

**AUCKLAND COUNCIL (formerly
AUCKLAND CITY COUNCIL)**

Respondent

BEFORE THE ENVIRONMENT COURT

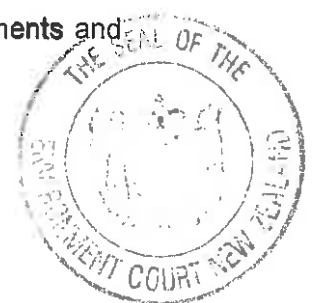
Environment Judge L J Newhook, sitting alone under section 279 of the Act

IN CHAMBERS at Auckland

CONSENT ORDER

Introduction

1. The Court has read and considered the appeal and the memorandum of the parties in support of the draft consent order dated 22 July 2011.
2. No person has given notice to become a party to this matter under section 274 of the Act.
3. 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

4. Therefore, this Court orders by consent that Sheet 53 Map 1 of the proposed Auckland Council District Plan (Auckland City Hauraki Gulf Islands Section) (**district plan**) is amended (as set out in the amended Sheet 53 Map 1, referenced as "A", **attached** to this consent order) to:
- (a) reclassify part of the appellant's property at 568 Blind Bay Road, Great Barrier Island from landform 1 (coastal cliffs) to landform 5 (productive land); a further part of the property from landform 3 (alluvial flats) to landform 5 (productive land) and a final part of the property from landform 2 (dune systems) to landform 5 (productive land).
 - (b) reclassify part of the appellant's property at 641 Blind Bay Road, Great Barrier Island from landform 6 (regenerating slopes) to landform 5 (productive land).
5. The appeal is otherwise dismissed
6. There is no order as to costs.

DATED at Auckland this *20th* day of *August* 2011



L J Newhook

Environment Judge

